



**Town Council
Monday, August 21, 2023**

4:00 PM

**130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615**

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

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. 2023 Draft Agendas

[Pages 3-5 2023 Agenda Overview](#)

6. 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.

6.A. Resolution RE Cell Towers in Snowmass Mountain Area

[Pages 6-8 Agenda Item Summary SkiCo Cell Towers 2023](#)

[Pages 9-12 Attachment A Resolution No. 22 of 2023 Cell towers_draft](#)

[Pages 13-64 Attachment B SkiCo Special Review Application](#)

[Pages 65 Attachment C - TOSV Cell Tower Coverage Map](#)

[Pages 66-69 Attachment D - Approved PC Resolution No. 4 of 2023](#)

[Pages 70-97 Attachment E - 2021 TOSV Broadband Vision Report](#)

[Pages 98-99 Attachment F - Public Comment](#)

[Pages 100-106 Attachment G - Vegetational Screening Graphic addendum](#)

7. POLICY/LEGISLATIVE PUBLIC HEARINGS

7.A. Ord No. 7, 2023 RE Leash Law - 2nd Reading

[Pages 107-108 Agenda Item Summary - Leash Law](#)

[Pages 109-112 Ord No. 7, 2023 - Leash Law - Second Reading](#)

[Pages 113-116 Ord No. 7 - Leash Law - JJC Redline](#)

[Pages 117-121 Public Comment RE Leash Law Ord](#)

7.B. Ord No. 8, 2023 - RE Ballot Language

[Pages 122-124 Agenda Item Summary - Charter Change Ordinance](#)

[Pages 125-127 Ord No. 8, Series 2023 - Ballot Question - Charter Amendment \(Emergency\)](#)

[Pages 128-158 Snowmass Village, CO Municipal Charter](#)

8. ADMINISTRATIVE REPORTS

9. TOWN COUNCIL REPORTS AND ACTIONS

Reports and Updates

10. EXECUTIVE SESSION

10.A. Executive Session

[Pages 159 Agenda Item Summary for Exec Session](#)

[Pages 160 Executive Session language](#)

11. ADJOURNMENT

DRAFT 2023 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:

- Dog Park, Leash laws & E-bikes -POSTR needs to meet 1st.

Mon. Aug. 14th – Work Session (Marolt Out)

- Property tax discussion
- Kearns Culvert Construction update

Mon. Aug. 21st – Regular Meeting

- Exec session with Dept. Dir
- Reso - Re Cell Towers on Snowmass Mtn area – Public Hrg
- Ord - November ballot language re council serving on boards and commissions
- Ord – Leash Law - 2nd Reading

Thur. Aug. 31st - EOTC Meeting – Pitkin County Hosts - CANCELED

Tue. Sep. 5th – Regular Meeting

- Exec Session personnel (amongst council)
- STR enforcement ordinance 1st reading
- Homeless Shelter IGA
- Update on LOI for Faraway Apartments

Mon. Sep. 11th – Work Session

- Housing Regulations update continued
- Draft Ord for Council compensation change
- Snowmass Water & Sanitation overview – Kit Hamby

Mon. Sep 18th – Regular Meeting

- Reso - In support of Ballot Question
- Ord - removing Board of Appeals
- Executive Session deliver manager review
- STR enforcement ordinance 2nd reading
- Robert De Wetter Proclamation

Mon Oct. 2nd – Regular Meeting (Kinney virtual)

- Budget Introduction
-

DRAFT 2023 Agenda Items

Mon. Oct. 9th – Work Session

- Budget Review

Mon. Oct. 16th – Regular Meeting

- POST Grant – 1st reading?
- Budget Review
- CIRSA update from Sam Light
- OETC Prep?

Thurs. October 26th – EOTC – City of Aspen Hosts (might change to November - 11/09/23)

Mon. Nov. 6th – Regular Meeting

- IGD Meeting - Adopting the GID Budget
- Budget Adoption
- B & C Applications
- Executive session for attorney review
- EOTC Prep?

Thurs. November 9th – EOTC – City of Aspen Hosts (? changed from 10/26/23 to 11/09/23)

Mon. Nov. 13th – Work Session

- Place holder – CORE Update – date?
- Planning for Krabloonik post June 2024

Mon. Nov. 20th – Regular Meeting

- B & C Interviews
- POST Grant – 2nd reading
- Reso re 2024 TC Dates
- Executive session personnel attorney

Mon. Dec 4th – Regular Meeting

- B & C Interviews

Mon. Dec. 11th – Special Meeting

- GID Meeting – set Mill Levy

Mon. Dec. 18th – Regular Meeting

- B & C Resolution appointing new Members
- Reso RE 2024 Meeting Dates

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
 - PTRAB
 - POSTR
 - Marketing

DRAFT 2023 Agenda Items

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

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

August 21, 2023

AGENDA ITEM:

Town of Snowmass Village – Snowmass Ski Area Cell Towers

PRESENTED BY:

Brian McNellis, AICP/MLA, Senior Planner

BACKGROUND:

As part of their 2015 Master Plan approval, the Aspen Skiing Company (SkiCo) identified a number of potential cell tower locations within the Snowmass ski area in effort to improve on-mountain communications and SkiCo life/safety initiatives. Cell towers greater than 10 feet at specified locations are permitted subject to Special Review as adopted in the Snowmass Mountain PUD and in accordance with Ordinance No. 5 of 2017.

PROCESS:

Section 16A-5-230 – Special Review (a) Purpose, of the municipal Land Use Code states: *“There are certain uses which, because of their unusual character and potential impact upon the use and enjoyment of neighboring property, cannot be classified into a particular district or districts without site specific consideration of their impacts upon neighboring lands and upon the public need for the particular use at the particular location. These uses require special review of their location, design, intensity, density, configuration, operating characteristics and impacts on public facilities, and may require the imposition of appropriate conditions to ensure the use will be compatible at a particular location and mitigates its adverse impacts.”*

In an effort to improve cellular communication throughout the Snowmass ski area, Aspen Skiing Company is proposing 9 new cell towers at 7 different locations on the ski mountain (see Table 1 and Cell Tower Site Information in the land use application - Attachment B)

FINANCIAL IMPACT:

There is no financial obligation of the town as it pertains to construction of the proposed cell towers - the cost will be shouldered entirely by Aspen Skiing Company. That said, the town of Snowmass will benefit from vastly improved cell coverage on the ski mountain as well as throughout town which will continue to bolster Snowmass Village as a world class tourist destination.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

The need for reliable cell coverage in Snowmass Village is specifically endorsed in the 2021 TOSV Broadband Vision Report (Attachment E) which seeks partnerships with private/public entities to accomplish its goals, including:

- It is important to be able to deliver services from the entry into Snowmass Village up to and including the Ski Mountain.
- Our guests expect connectivity. A world-class guest service experience includes reliable internet.
- Improving coverage in areas that do not have good connections should be a priority.
- Options for service should be encouraged to help costs stay competitive.
- Access to internet services is crucial to our tourism industry in both the summer and the winter.
- Reliable and resilient broadband infrastructure would provide service to educational, health care, and public safety agencies who rely on this service to serve the community.
- Broadband speeds are a growing concern for businesses, residents, students, and people working from home (made even worse during the pandemic).
- It is extremely important to understand the impacts of wireless services.
- Current cable and telephone services in the Town are overwhelmed with the demand placed on their networks, especially during peak seasons and events.

COUNCIL OPTIONS:

Town Council may approve or deny the application after consideration of Planning Commission Resolution No. 4 of 2023 and taking public comment.

STAFF RECOMMENDATION:

Staff recommends Town Council approve draft Resolution No. 22 of 2023 with amendments as needed.

ATTACHMENTS:

Attachment A – Draft Resolution No. 22 of 2023

Attachment B – Special Review Land Use Application

Attachment C – Cell Coverage Map

Attachment D – Approved PC Resolution No. 4 of 2023

Attachment E – 2021 TOSV Broadband Vision Report

Attachment F – Public Comment

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 22
SERIES OF 2023**

**A RESOLUTION BY THE SNOWMASS VILLAGE TOWN COUNCIL GRANTING
SPECIAL REVIEW APPROVAL WITH CONDITIONS THE INSTALLATION OF
CELL TOWERS AND ASSOCIATED UTILITY EQUIPMENT AT LOCATIONS
THROUGHOUT THE SNOWMASS MOUNTAIN SKI AREA**

WHEREAS, in accordance with the Town of Snowmass Village (hereafter 'Town') Land Use Code, the Aspen Skiing Company ('Applicant') is requesting Special Review pursuant to Sec. 16A-5-230 of the Land Use Code to install nine (9) new cell towers at seven (7) different locations throughout the Snowmass ski area; and

WHEREAS, pursuant to Municipal Code Section 16A-5-50, the Community Development Department deemed the application complete for review on June 20, 2023; and

WHEREAS, the Planning Commission reviewed the Minor PUD Amendment application at a public meeting on August 2, 2023 to consider the proposal and recommendations from Town staff and referral agencies, at which time a recommendation of approval was voted upon and adopted by the Planning Commission pursuant to Resolution No. 4 of 2023; and

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

Section One: General Findings. The Town Council generally finds that:

- 1) **Submission:** The Applicant has submitted the Special Review application in accordance with the provisions set forth in the Municipal Code and the Snowmass Mountain PUD adopted in accordance with Ordinance No. 5 of 2017.
- 2) **Content:** The application contained the Minimum Contents as required by the Municipal Code Section 16A-5-40, '*Submission of Application*,' and included written and graphic materials of sufficient detail such that the application was deemed complete for referral and review.
- 3) **Public Process:** The Planning Commission held a public meeting to review the application on August 2, 2023, to formulate recommendations to Town Council in accordance with the responsibilities and procedures prescribed in the Municipal Code Section 16A-5-230(c)(4), '*Action by Decision-Making*

Body. The Town Council will subsequently hold a Public Hearing to review the project and consider the application.

4) **Code Requirements:** Subject to the recommendations in Section Three of this Resolution, it was found the land use application follows the Review Standards established in Section 16A-5-230 of the Land Use Code as follows:

- A. Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.
- B. Comply with standards of Development Code. The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:
 - 1) Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.
 - 2) Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.
- C. Compatible. The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area and shall not adversely affect the future development of the surrounding area.
- D. Adequacy of access. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.
- E. Design minimizes adverse impact. The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.
- F. Design minimizes environmental impact. The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources.

- G. Facilities. There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.
- H. Parking. Sufficient off-street parking shall be provided for the proposed use.

Section Two: Action. Pursuant to the findings stated in Section One of this Resolution, the Town Council approves the Aspen Skiing Company, Special Review application by Resolution. This recommendation is subject to the conditions in Section Three below.

Section Three: Conditions. The Applicant shall comply with and implement the following conditions for the PUD Amendment:

- (1) The Two Creeks Base Village tower location shall be moved outside of the manmade swale area to avoid encroaching within perceived wetland type grass and shrubby species. The applicant shall work with planning staff to identify a more suitable location nearby. Upon determining a new location, the height of the tower shall be modified accordingly.
- (2) Each of the cell towers shall be the minimum height required to provide ample cell coverage as sought and in accordance with Table 1 in the submitted Special Review land use application.
- (3) The development shall not modify historic or existing drainage patterns.
- (4) Disturbed land shall be mitigated with a certified Pitkin County seed mix to assure substantial revegetation within one growing season of installation.
- (5) In the case of removed or damaged trees greater than 4" DBH, a like specimen shall be planted near the cell tower site at 1:1 ratio in a way that will help screen the installation.
- (6) The towers shall be non-reflective and applied with the selected patina *Copper Sulfate* as represented in the land use application submittal.
- (7) As part of the building permit submission for any of the cell tower locations, the applicant shall submit a landscape/screening plan to demonstrate best

efforts to shield the base equipment and cabinets from public view.

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

INTRODUCED, READ, AND APPROVED by the Town Council of the of the Town of Snowmass Village on August 21, 2023, upon a motion by Commission Member_____, the second of Commission Member_____, and a vote of__ in favor and___against.

TOWN OF SNOWMASS VILLAGE,
TOWN COUNCIL

Bill Madsen, Mayor

ATTEST:

Megan Boucher, Town Clerk

Exhibits:

- A. Cell Tower Locations Map
- B. Cell Tower Simulation Graphic and Utility Cabinet (updated)

Dave Shinneman
Community Development Director
Town of Snowmass Village
130 Kearns Rd, Snowmass Village, CO 81615

June 6, 2023

Re: Aspen Skiing Company Cellular Towers Project

Dear Dave,

Aspen Skiing Company (ASC) has prepared this letter and the attached materials to follow up our meeting that occurred on May 11th, 2023. ASC proposes to construct a network of cellular towers on ASC-owned private lands and National Forest System (NFS) lands located within the Snowmass Mountain PUD and the Town of Snowmass Village (TOSV). ASC has submitted separate proposals to the U.S. Forest Service and Pitkin County to initiate respective permitting processes for proposed cell towers within their respective boundaries.

The 2015 Snowmass Mountain Master Development Plan (2015 MDP) identifies a need to improve cellular coverage on the mountain. Specifically, it identifies potential cell tower locations at the top of Elk Camp, High Alpine, and Sam's Knob, as well as base area locations on private lands. The 2015 MDP and the 2017 Snowmass Mountain Planned Unit Development Guide (2017 PUD Guide) were reviewed and approved by the TOSV in Ordinance No. 5 Series of 2017. The 2017 PUD Guide identifies free-standing antenna reception or transmission devices, such as cellular or radio towers greater than 10 feet in height, as activities and uses allowed subject to special review.

Based on discussions that occurred during the May 11th, 2023 meeting and direction from the 2017 PUD Guide, ASC has prepared the attached special review application (Appendix D), as well as a wireless communications facilities application for TOSV review (Appendix E). This letter supplements these materials by providing a defined statement of need, additional background information, a detailed project summary, and a discussion of project compliance with municipal code review standards.

Statement of Need

There is a need for this project because inadequate cellular voice and data coverage across mountains and valleys adjacent to Snowmass Mountain directly impacts communications that are often critical to the life and safety of the public. The insufficient infrastructure often prevents even communication via text messages, impeding people from contacting first responders in case of situations ranging from roadside assistance, to skiing accidents, to lost hikers. Therefore, the purpose of the proposed project is to improve cellular voice and data coverage to allow people recreating at Snowmass, as well as the public in the nearby communities and valleys, to communicate with first responders.

It is important to emphasize that although the proposed cell phone towers and associated equipment would be located within the operational boundary of Snowmass Mountain, the proposed project would improve coverage beyond the resort. Therefore, the proposed project would also address the need for better cellular coverage

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currently experienced by neighborhoods and communities in the upper Roaring Fork Valley. More specifically, this project would allow and improve cellular communications in the TOSV.

Background

ASC has dedicated significant resources over the last 12 years, working with various developers, designers and carriers, to develop a comprehensive solution to the inadequate cellular voice and data coverage across its four mountain resorts. These efforts included:

- 1) An agreement with a cell phone carrier for temporary deployment of equipment for limited voice and data coverage. This agreement is very limited in nature and only covers a very small area of the ski resorts.
- 2) Work done with a cell phone tower developer, beginning in 2013, to provide enhanced cellular services at the base of Buttermilk. An agreement was reached for a one-year term, extended on a month-to-month basis. However, this agreement was also very limited in scope and coverage and did not constitute the needed comprehensive solution. The agreement expired and will not be renewed.
- 3) In December 2012, the Roaring Fork Broadband Coalition – comprised of Pitkin County; the Town of Snowmass Village; Roaring Fork Transit Authority; the U.S. Forest Service; and ASC – solicited proposals for the provision of wireless infrastructure and coverage for ASC and Pitkin County. ASC commissioned and funded a wireless coverage assessment to include the four resorts base areas, operational areas, and much of the surrounding rural/remote areas. The assessment was shared with respondents to the request for proposals. A proposal was selected to build out the project which included 16 small-cell distributed antenna systems across the four mountains. Unfortunately, this project never happened as the developer decided it was not financially viable.
- 4) A partnership between a cell phone carrier and a cell phone tower developer contacted ASC in July of 2017 regarding plans to improve coverage primarily at Snowmass. ASC conducted technical conversations with the cell phone tower developer to analyze fiber optic deployment needed to support 13 DAS nodes at Snowmass. Preliminary studies were completed but the cell phone tower developer chose not to proceed as it was not financially viable for them.

Unfortunately, all of the third-party organizations declined to proceed on implementing a comprehensive cellular system because it was not financially viable for them. ASC determined that the only way forward to achieve our goals to provide cell coverage to all corners of the ski areas was to design and construct a cellular coverage system ourselves. We are the only group with a significant fiber optic network in the area, and we are the only group where providing cell coverage for public safety reasons was more important than profits.

In response, ASC began working with HR Green, a premier cellular contractor, to identify a plan to construct a comprehensive cellular system spanning each mountain. The main goal of the planning exercise was to develop a tower network configuration that achieves the desired cellular voice and data coverage, while minimizing the potential visual impacts of the cell towers and associated infrastructure. Key considerations to balance included tower heights, number of towers, proximity to public viewsheds, topography, vegetative screening, tower finish/camouflage, and accessibility for servicing, amongst others.

The planning exercise for Snowmass Mountain resulted in the identification of two potential configurations which would provide approximately the same level of cell coverage: 1) Construct 9 tall towers (30 – 90 feet tall) at 7 different sites; or 2) Construct 19 short towers (30 – 60 feet tall) and 2 rooftop antennas at 12

different sites. After careful consideration, including conversations with the Community Development Department and the U.S. Forest Service, ASC determined that constructing 9 tall towers at 7 different sites is the preferred approach. This decision is based on the fact that the taller towers would allow for fewer sites that are generally situated outside of the mountain’s more popular viewsheds. The sites are located adjacent to forested areas where canopy heights allow even the taller towers to blend into the surrounding landscape. The alternative option would have a similar visual impact at each site; however, the total impact would be much greater and more wide spread with 19 instead of 9 sites.

Project Description

ASC proposes to install 9 cellular towers at 7 different sites across Snowmass Mountain. The sites would be located on ASC-owned private lands and NFS lands located within the Snowmass Mountain PUD. As specified in Table 1, the proposed towers would be between 30 and 90 feet tall. Refer to Figure 1 in Appendix A for a depiction of the proposed site locations.

Building and electrical permit applications for the Lynn Britt Restaurant and Two Creeks Base Area cellular towers are being prepared and will be submitted soon after this application because they are planned for construction in 2023. Applications will be submitted for the remaining cell towers projects prior to construction in 2024.

Table 1. Proposed Cell Tower Site Information

Name	Elevation (feet)	Support Type	Finish	Construction Year
Lynn Britt Restaurant	9,228	1 x 60-foot Monopole	Patina/Natina	2023
Two Creeks Base Area	8,098	1 x 60-foot Monopole	Patina/Natina	2023
Alpine Springs Lift Base Area	9,123	1 x 60-foot Monopole	Patina/Natina	2024
Burn Chair Top	11,906	2 x 30-foot Monopole	Galvanized	2024
Elk Camp Activity Center	9,903	1 x 90-foot Monopole	Patina/Natina	2024
High Alpine Restaurant	10,514	1 x 60-foot Monopole	Patina/Natina	2024
Sam’s Restaurant	10,624	1 x 30-foot + 1 x 40-foot Monopoles	Galvanized	2024

Each site would consist of 1 or 2 monopole towers with adjacent cabinets to house associated power and telecommunication equipment. Buried power and fiber optic lines would also be installed to supply each site. Cell towers would consist of high-strength steel monopoles with either one or two monopoles per site, depending on the location. The monopoles would range in height between 30 and 90 feet and would range in diameter between 14 and 38.35 inches, depending on site-specific design conditions. The towers would be mounted on reinforced concrete footers.

Adjacent to the towers, weather-proof enclosures would house electrical and communication equipment. The enclosures, also referred to as cabinets, would each have approximate dimensions of 34 inches long by 26 inches wide by 57 inches tall; ASC anticipates 3 cabinets per carrier and up to 4 carriers per tower. An example cabinet is shown in Photo 1 of Appendix A. The cabinets would be mounted on reinforced concrete pads that would be 1 foot wider in each direction to allow for working space and ventilation. Support racks,

called “ice bridges”, would be used to secure and protect transmission cables extending from the tower to the equipment cabinets. The ice bridges would be 24 inches wide and mounted on 3-inch Schedule-40 galvanized pipe. Height and length of the ice bridges would vary from site to site. An example ice bridge is shown in Photo 2 of Appendix A.

Monopole towers would either have a de-glared galvanized finish or a reactive color treatment (e.g., Natina or Patina steel finishes) based on the adjacent environment. Examples of the proposed finishes are shown in Photos 3, 4, 5, and 6 of Appendix A. Table 1 identifies the preferred finish for each tower; however, final tower finishes are subject to change based on Pitkin County design preferences.

Ground disturbance would occur as required to construct the tower foundations and concrete pads for the cabinets. Some sites that are not immediately adjacent to existing roads would also necessitate ground disturbance to construct the required long-term maintenance access (two-track path). Any and all disturbed areas, except for the long-term maintenance access path, towers, and equipment footprints, would be restored to their pre-project condition. Revegetation would be accomplished following ASC’s Revegetation Plan, using approved soil amendments and native seed mixes, as necessary.

The anticipated long-term surface area of ground disturbance for tower sites within ranges from 540 to 3,700 square feet per tower site, as detailed in Table 2 below. Total long-term ground disturbance for the project would be approximately 11,630 square feet. Preliminary site plans, showing activity envelopes and limits of excavation, and tower specifications are enclosed in Appendix B and preliminary visual simulations are enclosed in Appendix C.

Table 2. Tower Sites, Construction and Long-Term Ground Disturbance (square feet)

Site Name	Construction Disturbance ¹	Footprint ²	Long-Term Disturbance ³	Land Ownership
Lynn Britt Restaurant	10,264	520	940	ASC Private Lands
Two Creeks Base Area	7,180	520	1,270	ASC Private Lands
Alpine Springs Lift Base Area	21,710	540	540	NFS Lands
Burn Chair Top	15,020	520	1,800	NFS Lands
Elk Camp Activity Center	48,345	560	3,700	NFS Lands
High Alpine Restaurant	25,050	520	2,840	NFS Lands
Sam’s Restaurant	2,795	540	540	NFS Lands
Total	130,364	3,720	11,630	

1. Includes excavation for tower and cabinet supporting slabs, as well as trenching for utility work (fiber optic and electric power).

2. Footprint of supporting slabs for tower and cabinets.

3. Includes slabs and two-track access path when applicable.

Following construction, wireless providers would attain all local, state, and federal permits required to install their equipment at each tower. Wireless providers would comply with Federal Communications Commission (FCC) standards for radio frequency emissions, including Maximum Permissible Exposure regulations. They would submit site-specific non-ionizing electromagnetic radiation or electromagnetic energy reports for the equipment type and model being installed. Applicable permits and reports would be available for TOSV review prior to implementation.

Compliance with Municipal Code Review Standards

An application for Special Review must demonstrate that a project complies with the following review standards pursuant to Section 16A-5-230(e) of the Land Use Code:

- 1) Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.*

The proposed use is consistent with the intent of the 2018 TOSV Comprehensive Plan, which is “to ensure that capital projects, development proposals and strategic initiatives be evaluated through the framework created by the Aspiration Statement, the Guiding Principles, and the Just Big Enough economic analysis.”

The Aspiration Statement from the 2018 Plan is “to be a leading multi-season, family oriented, inclusive resort community.” Recent developments in communications technology, such as 4G LTE and 5G, have set a new standard for cellular voice and data coverage in communities throughout the U.S. Providing this level of cellular service has become necessary to meet the growing expectations of the residents and guests of the TOSV. This is evidenced in ASC guest surveys as well as public comments captured in the TOSV Community Surveys from 2015, 2019, and 2022. The proposed cell tower project would help the TOSV further achieve its aspiration of being a leading multi-season, family oriented, inclusive resort community by better meeting the cellular communications expectations of its residents and guests.

The Guiding Principles from the 2018 Plan are *Stewardship, Vibrant, Genuine, Active & Healthy, Balanced, Connected, and Inclusive*. The proposed cellular project complies with each Guiding Principle and is particularly responsive to *Active & Healthy*, which is described as “Promote and expand opportunities to experience Snowmass Village’s stunning natural environment, proximity to multiple recreational opportunities, and a safe and healthy lifestyle.” Inadequate cellular voice and data coverage across mountains and valleys adjacent to Snowmass Mountain directly impacts communications that are often critical to the life and safety of the public. The proposed cell tower project would allow the residents and visitors of the TOSV to experience the natural environment and enjoy a safe and healthy lifestyle by allowing people recreating at Snowmass, as well as the public in the nearby communities and valleys, to more easily communicate with first responders.

The Just Big Enough economic analysis referenced in the 2018 Plan determined that the Village should not grow unnecessarily (growth for growth’s sake), and that Snowmass Village will strive to limit growth to be “Just Big Enough.” The proposed project complies with this approach, as it would provide a necessary service to the community without contributing additional residential growth or commercial development.

- 2) Comply with standards of Development Code. The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:*

The proposed use is consistent with the zone district standards and the development evaluation standards of the Development Code.

- a) Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.*

All proposed cell tower sites are located within the Snowmass Mountain PUD, which is primarily within a REC zone district. REC zone districts allow for wireless communication facilities subject to special review by the Town.

According to Sec. 16A-3-40, the intent of REC zone districts is to regulate recreational facilities, activities and uses within appropriate areas of the Town, including those mixtures of uses related to a ski/snowboard area and operation, for the benefit of the public and to ensure that areas not appropriate for development are preserved in a recreational or natural state. The proposed use is consistent with this intent. The improved cell coverage provided by the cell towers would benefit the public by better meeting guest expectations and allowing for improved emergency response communications. Additionally, the proposed cell towers were strategically positioned in less natural areas, which already contain ski area infrastructure and are appropriate for development.

The proposed cell towers would comply with applicable standards for Wireless Communications Facilities, which are provided in the Wireless Communications Facilities Design Guidelines referenced in Sec. 16A-3-250(d). Chapter 5.4.4 of the Wireless Communications Facilities Design Guidelines states that the height of the tower shall not exceed the dimensional limitations of the underlying zone district. Pursuant to the dimensional limitations for REC zones in Sec. 16A-3-200, the maximum height of principle buildings within REC zones is as determined by a PUD plan or special review. The 2017 PUD Guide identifies free-standing antenna reception or transmission devices, such as cellular or radio towers greater than 10 feet in height, as activities and uses allowed subject to special review.

- b) Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.*

The proposed use is consistent with the development evaluation standards specified in Article IV of the Code. The proposed cell tower projects are not anticipated to result in adverse impacts to environmentally sensitive areas. The cell sites are located within previously disturbed areas and construction would require minimal ground disturbance. ASC would implement resort best management practices to ensure that environmental impacts are minimized. Proposed cell towers located on NFS lands would undergo site-specific analysis under NEPA to determine and further minimize the potential environmental effect, if any.

Additionally, the proposed cell towers would comply with all site design standards provided in Article IV.

- 3) Compatible. The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area, and shall not adversely affect the future development of the surrounding area.*

The proposed use is appropriate to its proposed location and would be compatible with the character of surrounding land uses in the area. The proposed cell towers would be located within developed areas of Snowmass Mountain. These areas contain a variety of developed infrastructure including but not limited to restaurants, operational facilities, condos, chairlifts, and parking lots. The addition of cell towers and

associated infrastructure would not result in a deviation from the character of surrounding land uses. Furthermore, the proposed use would not affect future development of the surrounding area.

- 4) *Adequacy of access. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.*

Access to the sites would be adequate for the proposed use considering the proximity and condition of adjacent roads. Short two-track access roads would be required to construct and service the proposed towers; however, they would stem from well-defined, existing roads.

- 5) *Design minimizes adverse impact. The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.*

The proposed cell towers would not result in any adverse impacts or nuisance to traffic congestion, traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare, or vibration.

- 6) *Design minimizes environmental impact. The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources.*

The proposed use was designed to minimize environmental impacts and would not cause significant deterioration of natural resources. The proposed projects would require minor grading, but they would not require any tree removal. The towers have been situated outside the mountain's popular viewsheds. Best management practices and revegetation would help minimize construction-related impacts.

- 7) *Facilities. There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.*

The proposal would provide adequate facilities to serve the proposed use and public need. The proposal does not require a water supply or sewage systems.

- 8) *Parking. Sufficient off-street parking shall be provided for the proposed use.*

The proposed use would not require off-street parking.

2022 Snowmass Mountain Master Development Plan

The proposed cell tower project will also be included in the forthcoming 2022 Snowmass Mountain Master Development Plan (2022 MDP). The 2022 MDP will be submitted to the Town of Snowmass Village by June 2023 as an amendment to the 2017 PUD Guide. We are requesting that the cell tower project review take place outside of the 2022 MDP review process out of a desire to accelerate the construction of the cellular towers in order to address the resort's operational, emergency response, and guest experience needs as soon as possible.



Conclusion

ASC believes that the proposed cell tower project complies with all relevant direction from Section 16A-5-230(e), Section 16A-3-250, and the TOSV 2021 Wireless Communications Facilities Design Guidelines.

Furthermore, ASC believes that the proposed cell tower project would help the TOSV further achieve its community aspiration to be a leading multi-season, family oriented, inclusive resort community. With recent developments in communications technology, such as 5G and 4G/LTE, we feel that improved cellular voice and data coverage is necessary to meet the growing expectations of the community and its guests. This is evidenced in ASC guest surveys as well as public comments captured in the TOSV Community Surveys from 2015, 2019, and 2022.

We look forward to working with the TOSV Staff, Planning Commission, and Town Council to discuss this application.

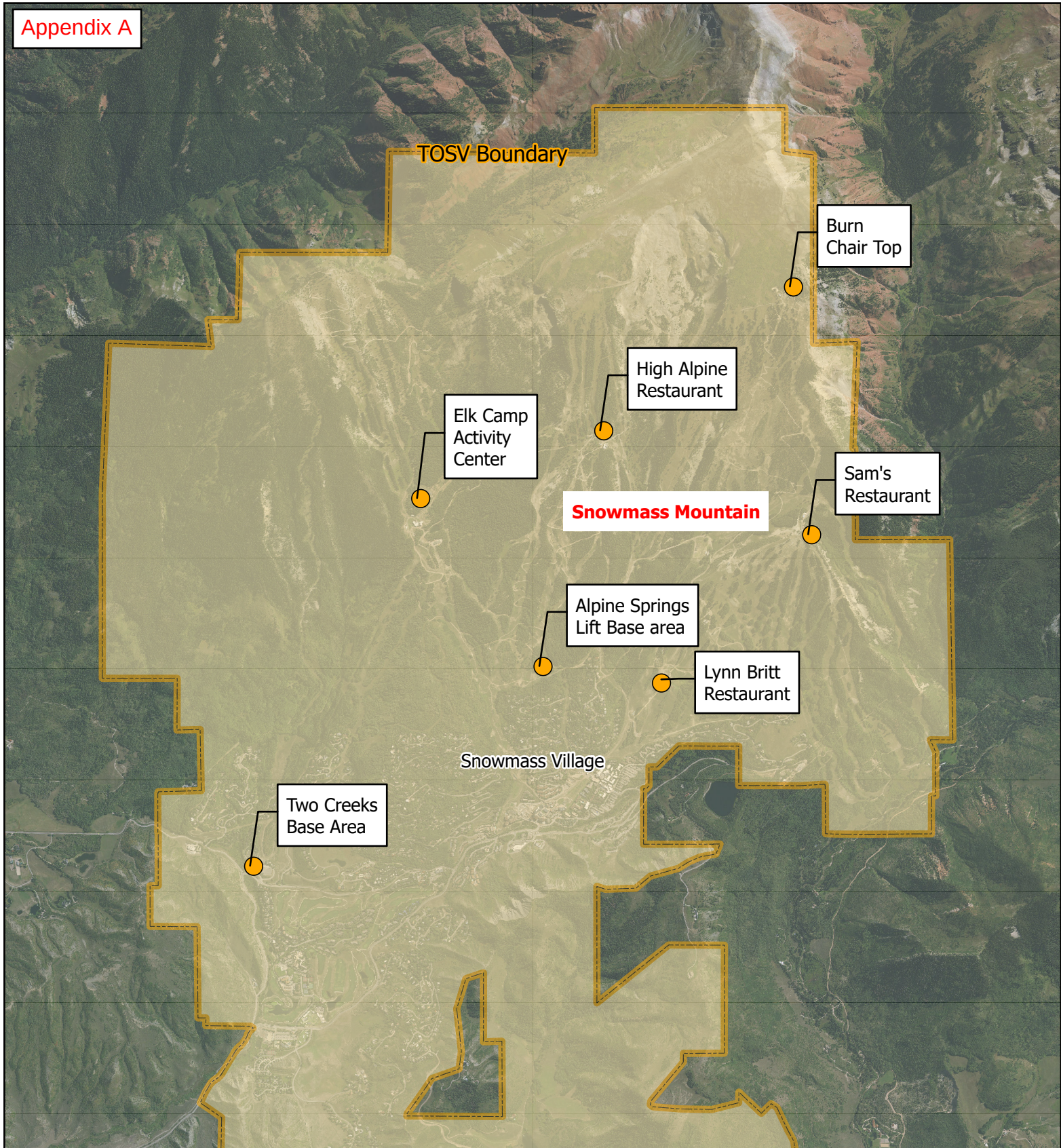
Respectfully,

A handwritten signature in black ink, appearing to read "Mak Keeling", written over a light gray circular stamp.

Mak Keeling

Senior Project Manager, Planning & Development Department
Aspen Skiing Company

cc: Katie Ertl, Chris Kiley, Kylie Urban, Raul Passerini, Eric Neumeyer; Aspen Skiing Company



Cellular Towers Location Map
Town of Snowmass Village Sites - 7 Tower Sites



Appendix A. Figures and Example Photos

Photo 1. Equipment Cabinet example. Note that ice bridges, towers and cabinets would all be painted gray or other natural color to blend into the surrounding environment.



Photo 2. Ice Bridge example. Note that ice bridges, towers and cabinets would all be painted with natural colors, based on the surrounding environment.



Photo 3. Example of galvanized steel treated with Natina Steel Solution.



Photo 4. Example of galvanized steel monopole with factory-applied finish coat.



Photo 5. Example of de-glared galvanized steel monopole.



Photo 6. Examples of Patina reactive color treatment finishes for galvanized steel.



Zinc White



Honeycomb



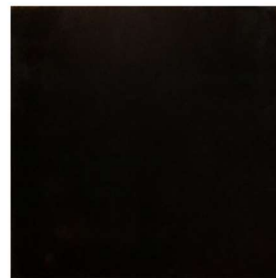
Copper Sulfate



Zinc Grey



Slate Black



Antiquing



Midnight Black



Stainless Black

Lynn Britt 60' Monopole Location



Two Creeks Base 60' Monopole Location



Alpine Springs Lift Base 60' Monopole Location



Alpine Springs Lift Base 60' Monopole Location Above



Burn Chair Top Two 30' Monopole Locations



Elk Camp Activity Center 90' Monopole Location

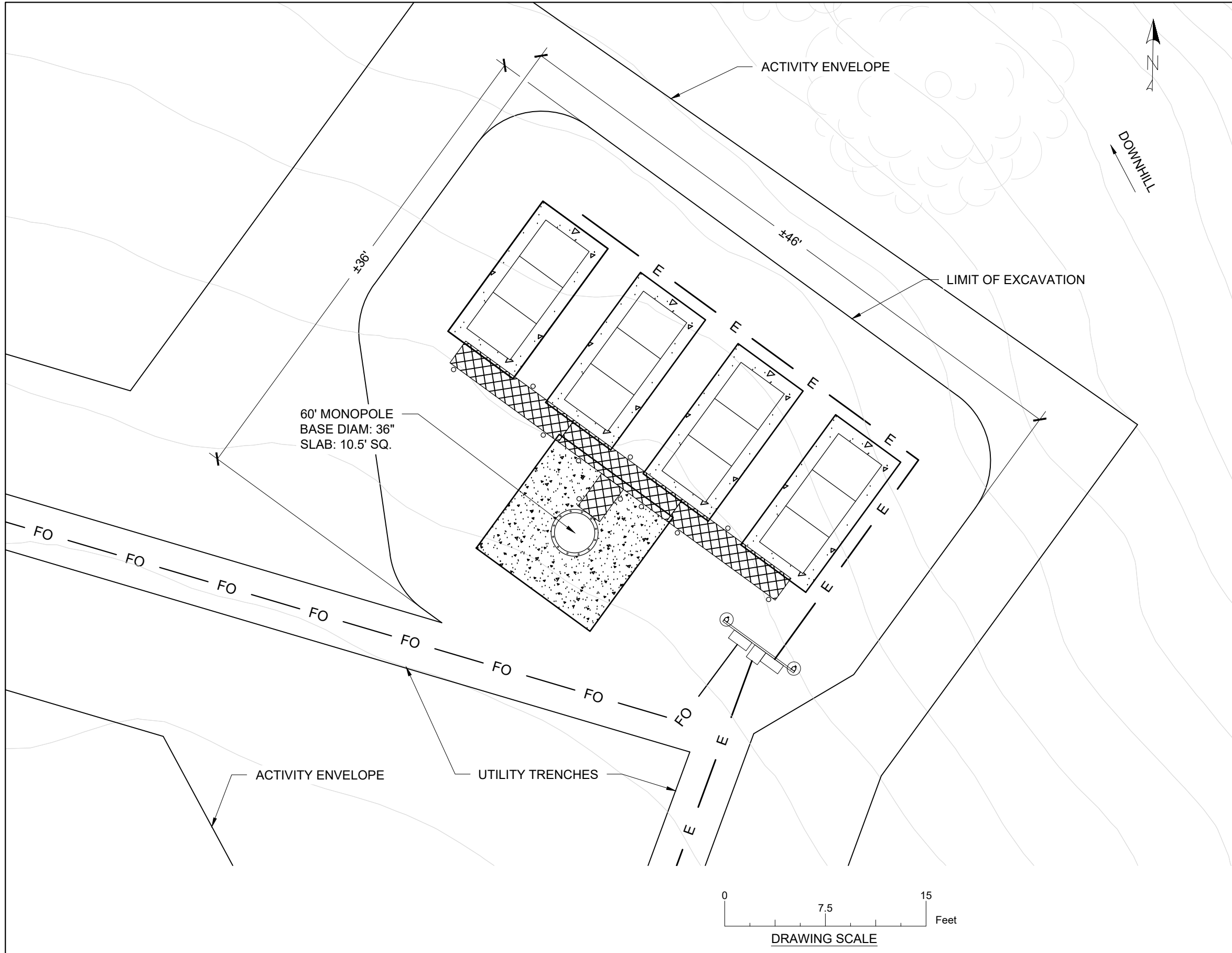


High Alpine Restaurant 60' Monopole Location

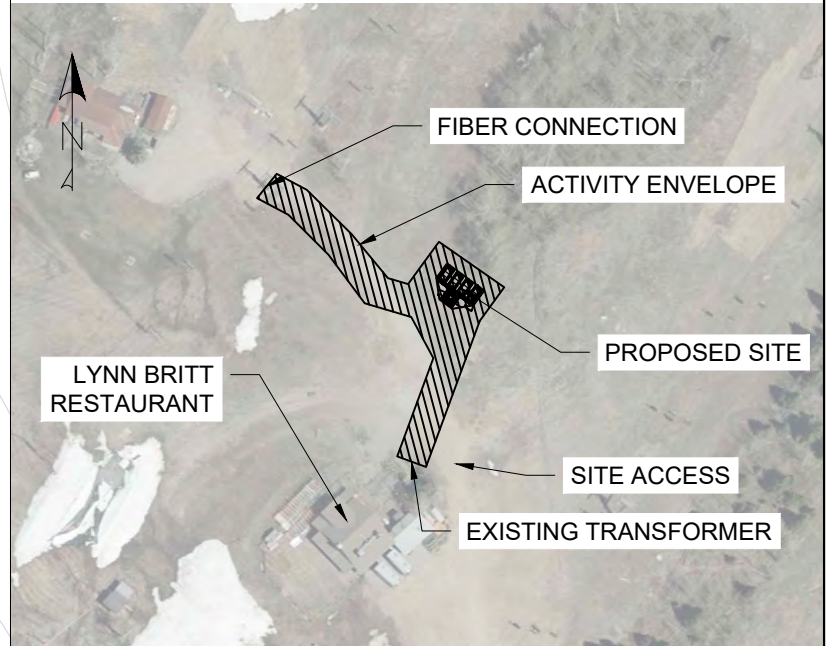


Sam's Restaurant 30' & 40' Monopoles Location





- NOTES:
1. SITE PLANS FOR REVIEW ONLY.
 2. THESE DRAWINGS INTENDED FOR USFS AND AHJ REVIEW.
 3. OPTIMIZED SITE LAYOUT AVOIDS CONFLICTS WITH TREES AND ROOT SYSTEMS. KEEP TRENCHES MIN. 10' FROM EXTENT OF TREE CANOPY.



IMAGERY: PITKIN COUNTY AERIAL, 2018. SCALE: 1" = 150'

- KEY:
- CONTOUR LINES @ 2' INTERVALS
 - E...BURIED POWER
 - FO...BURIED FIBER
 - ...PINE TREE
 - ...LEAFY TREE
 - ...CARRIER SLAB, 12'X6'
 - ...ICE BRIDGE, 10'X2'
 - ...GROUND RING
 - ...H-FRAME
 - ... ACTIVITY ENVELOPE

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				APPROVED BY:	DWG FILE NO.:
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ENGINEERING COMPANY
33 of 160

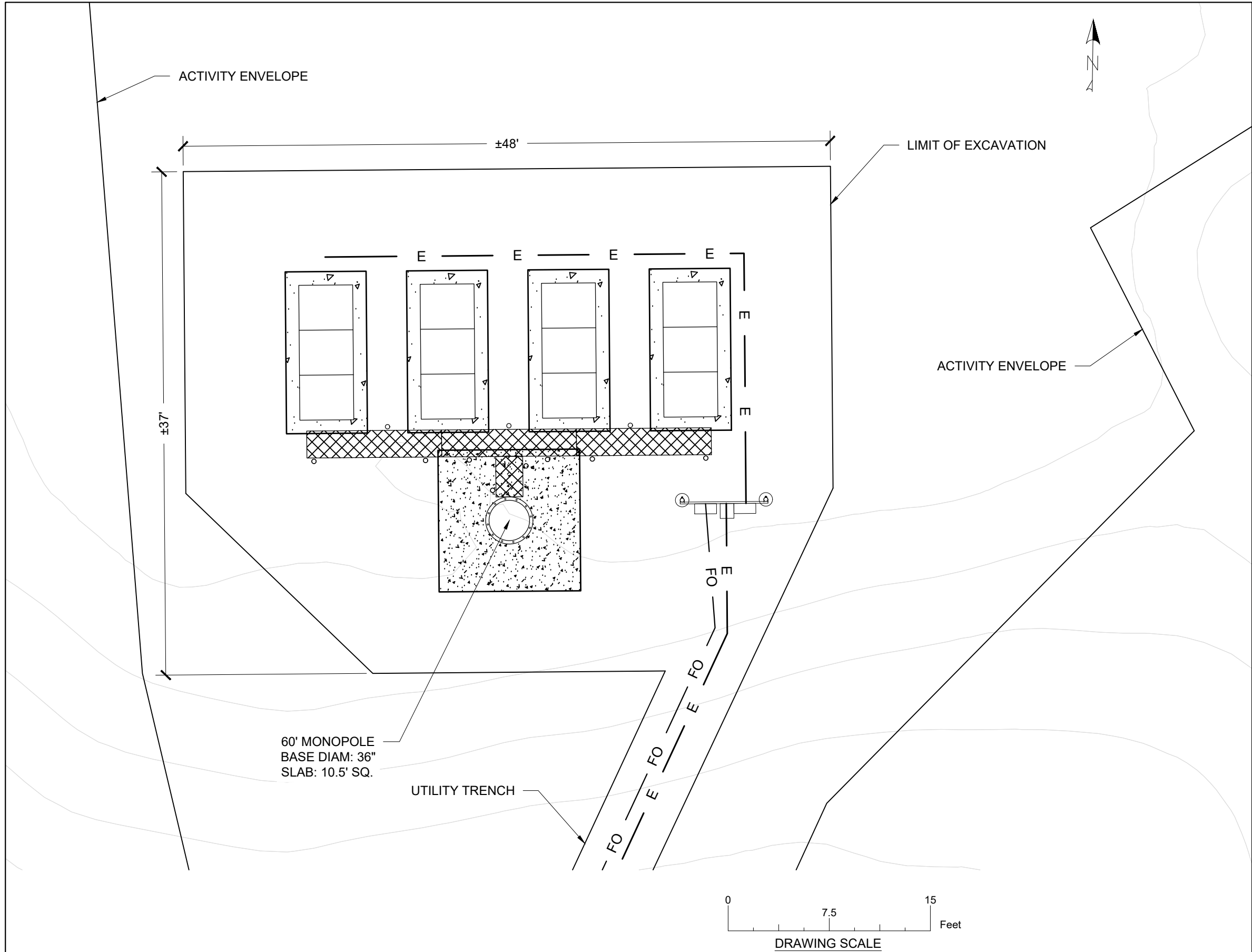


ASPEN SKI COMPANY
NEW CELL CARRIER TOWER SITE
PROPOSED CONSTRUCTION: 2023
LYNN BRITT RESTAURANT

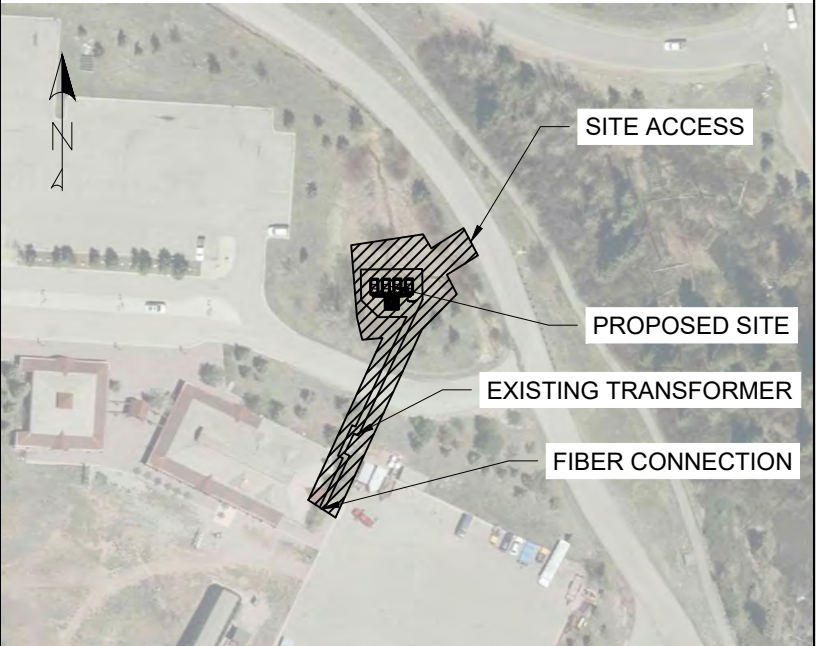
SITE PLAN

DWG NO.:
C-03

SHEET NO.:
17 OF 26



- NOTES:
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 2. THESE DRAWINGS INTENDED FOR USFS AND AHJ REVIEW.
 3. OPTIMIZED SITE LAYOUT AVOIDS CONFLICTS WITH TREES AND ROOT SYSTEMS. KEEP TRENCHES MIN. 10' FROM EXTENT OF TREE CANOPY.
 4. THIS SITE IS NOMINALLY LEVEL.



IMAGERY: PITKIN COUNTY AERIAL, 2018. SCALE: 1" = 150'

- KEY:
- CONTOUR LINES @ 2' INTERVALS
 - E...BURIED POWER
 - FO...BURIED FIBER
 - ...PINE TREE
 - ...LEAFY TREE
 - ...CARRIER SLAB, 12'X6'
 - ...ICE BRIDGE, 10'X2'
 - ...GROUND RING
 - ...H-FRAME
 - ... ACTIVITY ENVELOPE

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				CRT	059.001
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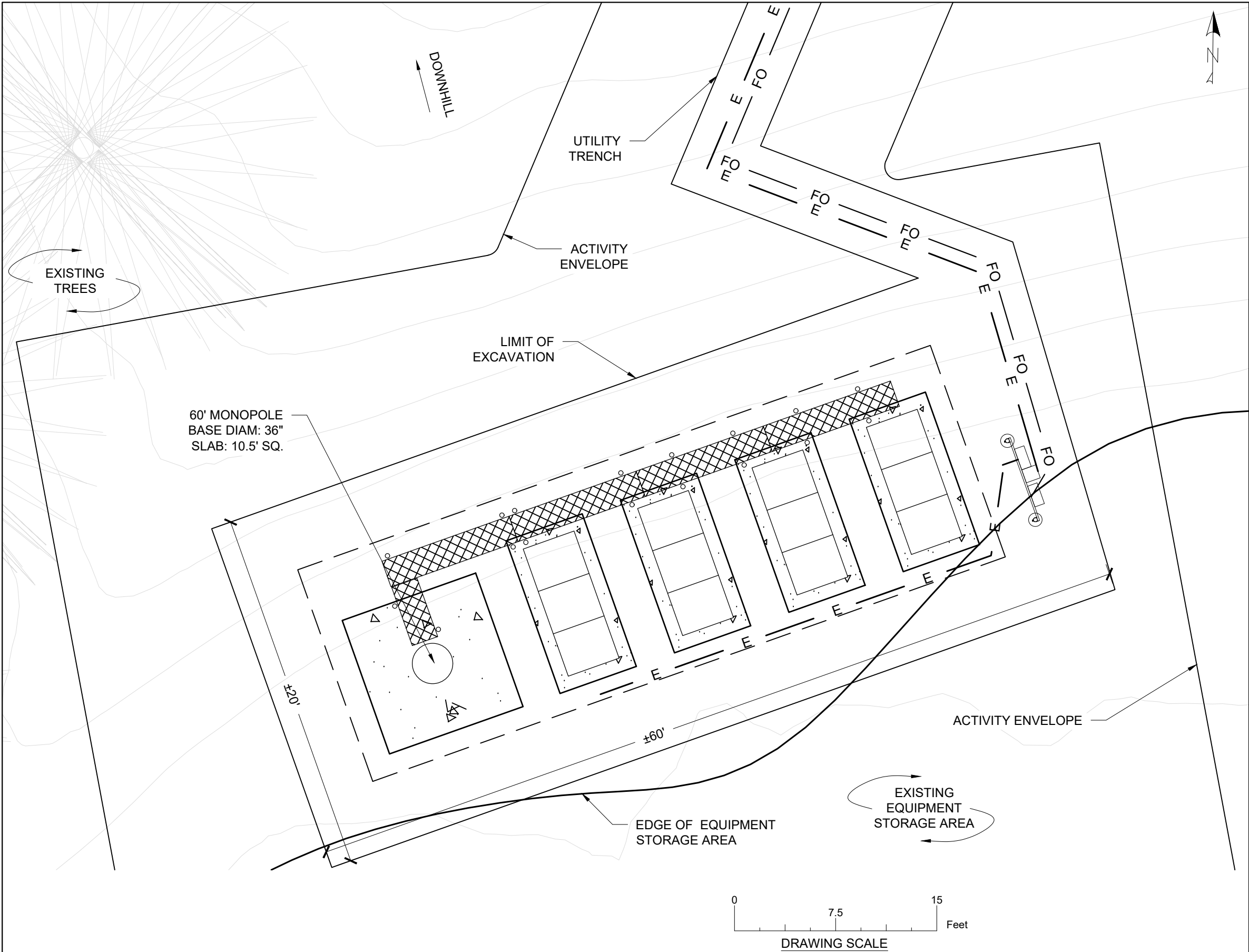
**ASPEN
SNOWMASS**

ASPEN SKI COMPANY
NEW CELL CARRIER TOWER SITE
PROPOSED CONSTRUCTION: 2023
TWO CREEKS BASE AREA

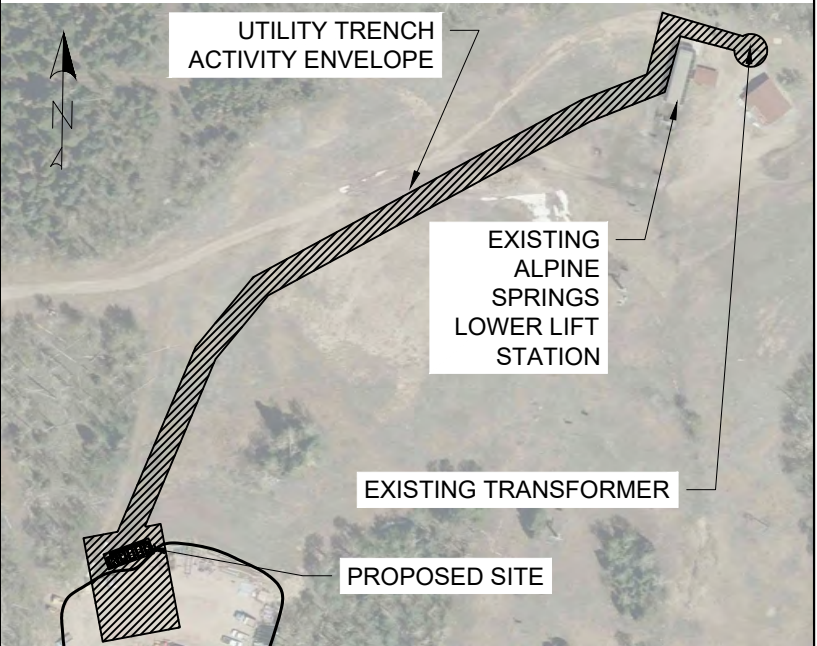
SITE PLAN

DWG NO.:
C-04

SHEET NO.:
25 OF 26



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 3. OPTIMIZED SITE LAYOUT AVOIDS CONFLICTS WITH TREES AND ROOT SYSTEMS. KEEP TRENCHES MIN. 10' FROM EXTENT OF TREE CANOPY.



IMAGERY: PITKIN COUNTY AERIAL, 2018. SCALE: 1" = 200'

- KEY:
- CONTOUR LINES @ 2' INTERVALS
 - E...BURIED POWER
 - FO...BURIED FIBER
 - ...PINE TREE
 - ...LEAFY TREE
 - ...CARRIER SLAB, 12'X6'
 - ...ICE BRIDGE, 10'X2'
 - ...GROUND RING
 - ...H-FRAME
 - ... ACTIVITY ENVELOPE

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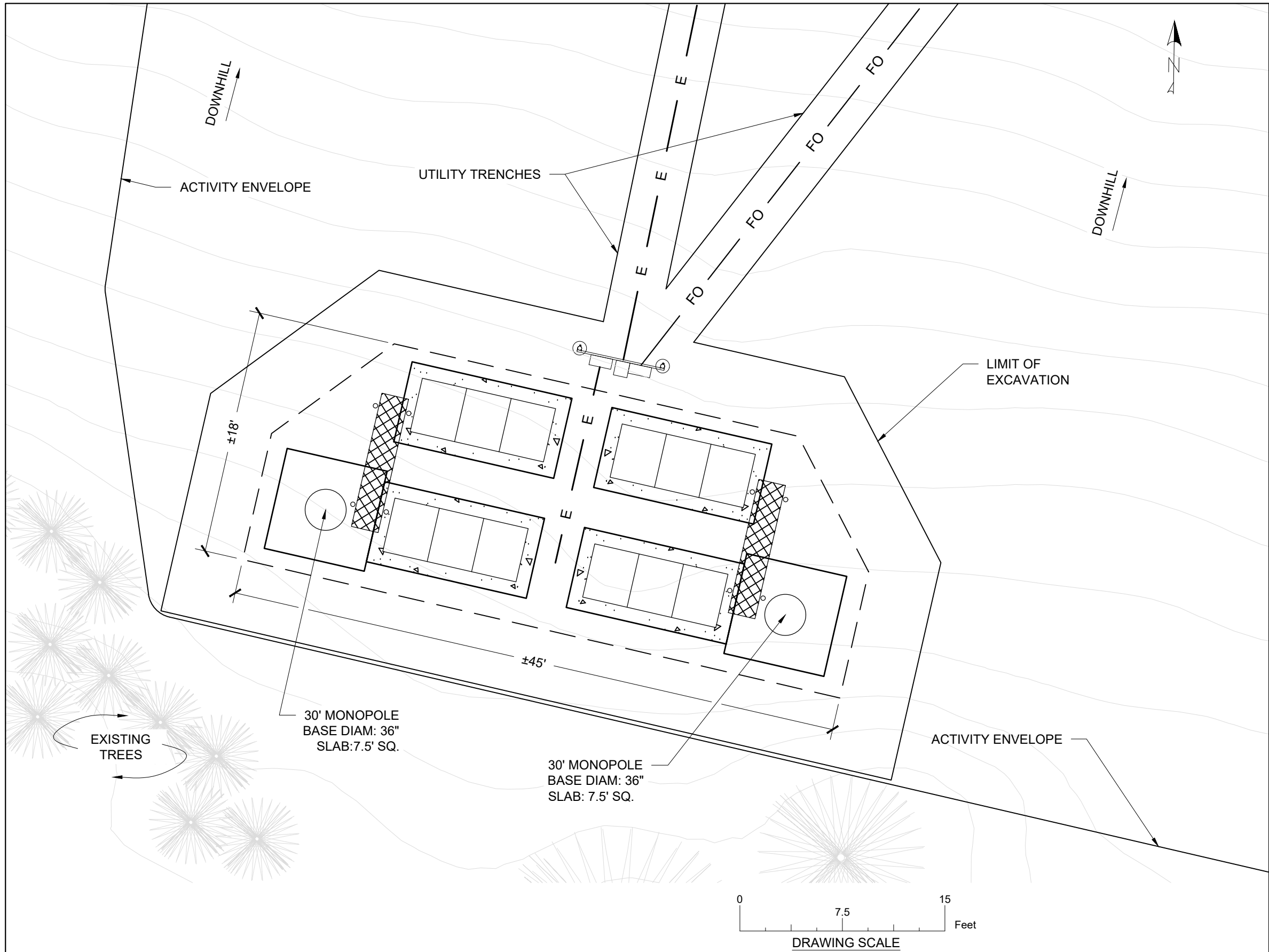
ASPEN
SNOWMASS

ASPEN SKI COMPANY
NEW CELL CARRIER TOWER SITE
PROPOSED CONSTRUCTION: 2024
ALPINE SPRINGS LIFT BASE AREA

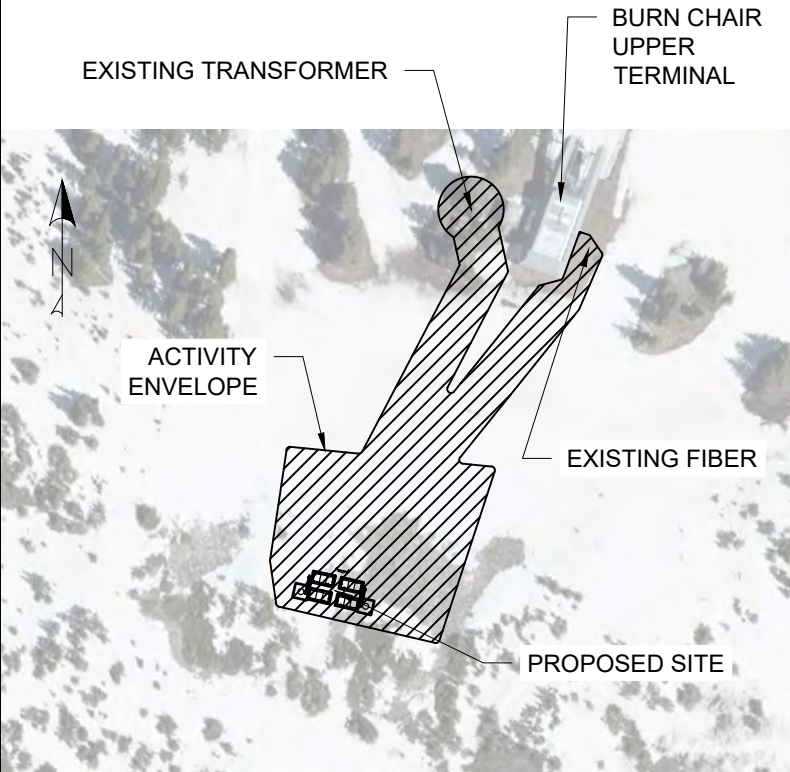
SITE PLAN

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C-05

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3 OF 26



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IMAGERY: PITKIN COUNTY AERIAL, 2018. SCALE: 1" = 100'

- KEY:
- CONTOUR LINES @ 2' INTERVALS
 - E...BURIED POWER
 - FO...BURIED FIBER
 - ...PINE TREE
 - ...LEAFY TREE
 - ...CARRIER SLAB, 12'X6'
 - ...ICE BRIDGE, 10'X2'
 - ...GROUND RING
 - ...H-FRAME
 - ... ACTIVITY ENVELOPE

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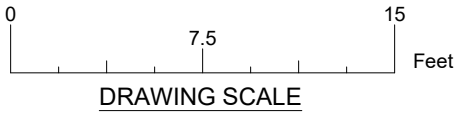
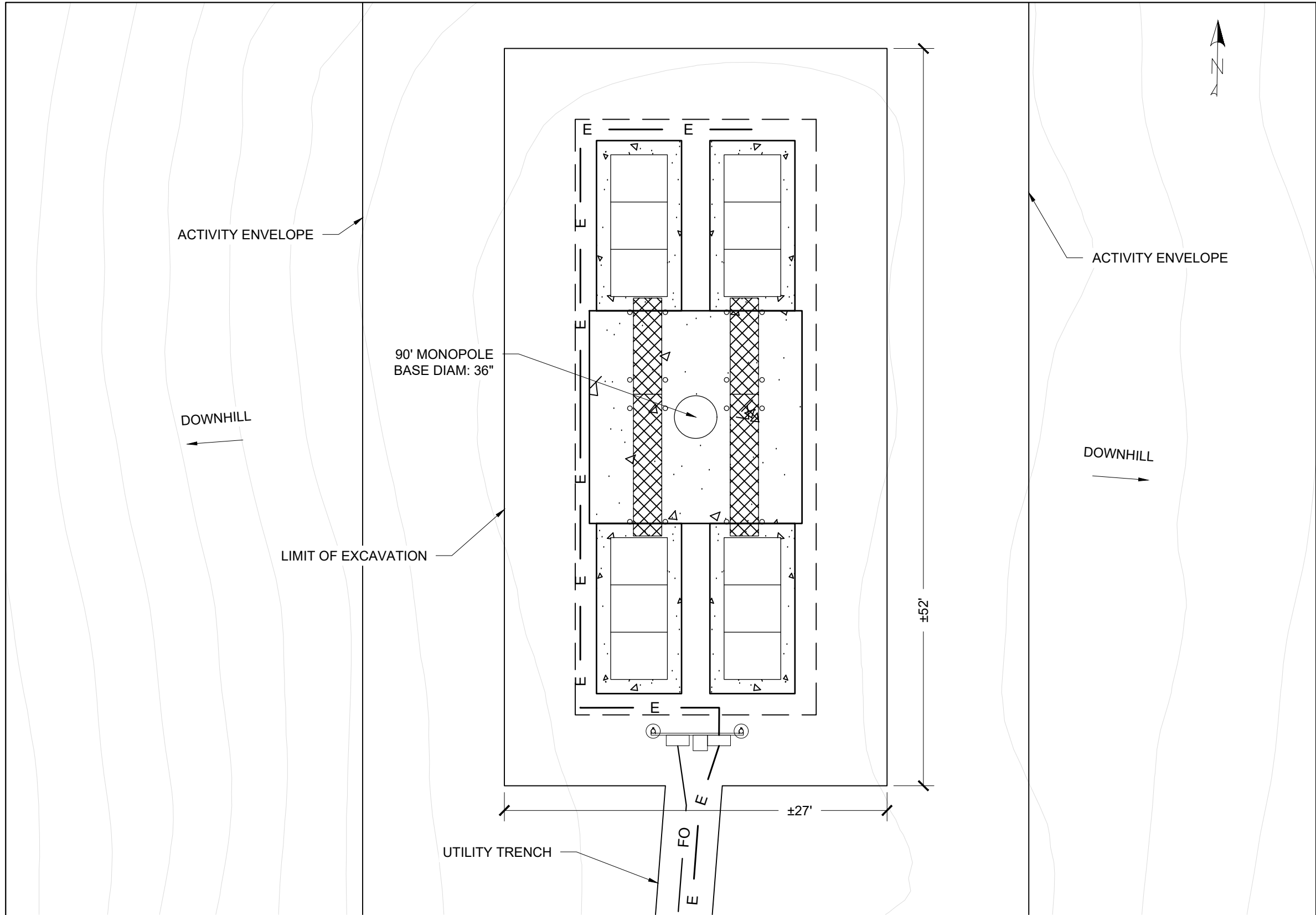
**ASPEN
SNOWMASS**

ASPEN SKI COMPANY
NEW CELL CARRIER TOWER SITE
PROPOSED CONSTRUCTION: 2024
BURN CHAIR TOP

SITE PLAN

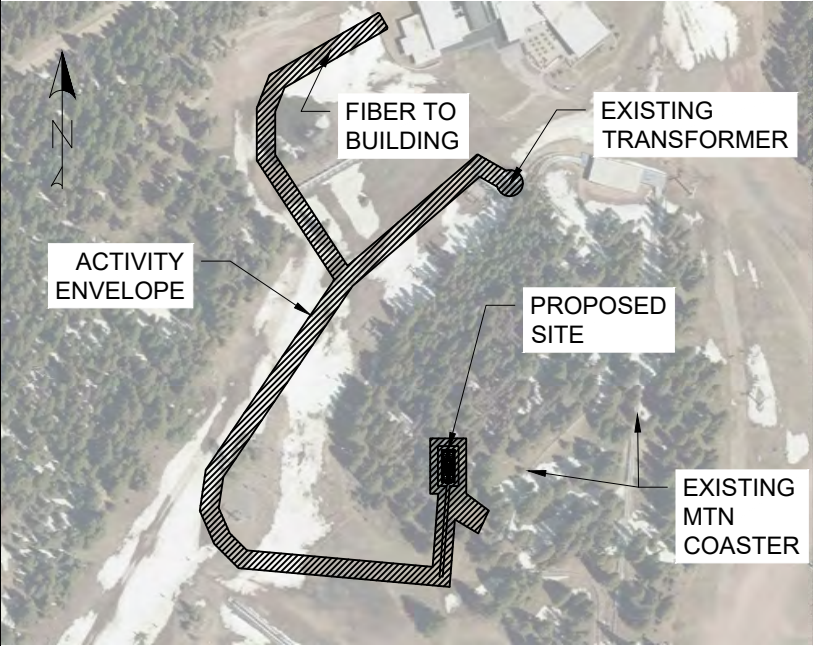
DWG NO.:
C-06

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8 OF 26



NOTES:

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3. OPTIMIZED SITE LAYOUT AVOIDS CONFLICTS WITH TREES AND ROOT SYSTEMS. KEEP TRENCHES MIN. 10' FROM EXTENT OF TREE CANOPY.



IMAGERY: PITKIN COUNTY AERIAL, 2018. SCALE: 1" = 250'

KEY:

- CONTOUR LINES @ 2' INTERVALS
- E...BURIED POWER
- FO...BURIED FIBER
- ...PINE TREE
- ...LEAFY TREE
- ...CARRIER SLAB, 12'X6'
- ...ICE BRIDGE, 10'X2'
- ...GROUND RING
- ...H-FRAME
- ... ACTIVITY ENVELOPE

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				CRT	059.001
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37 of 160

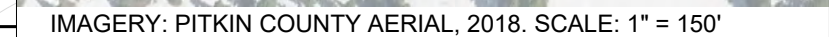
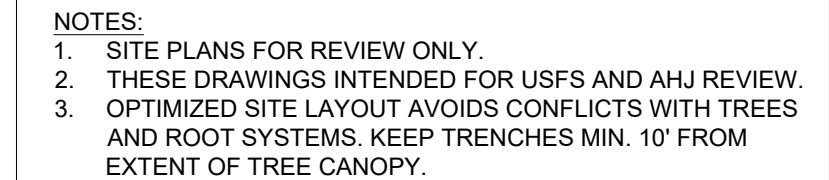


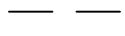
ASPEN SKI COMPANY
NEW CELL CARRIER TOWER SITE
PROPOSED CONSTRUCTION: 2024
ELK CAMP ACTIVITY CENTER

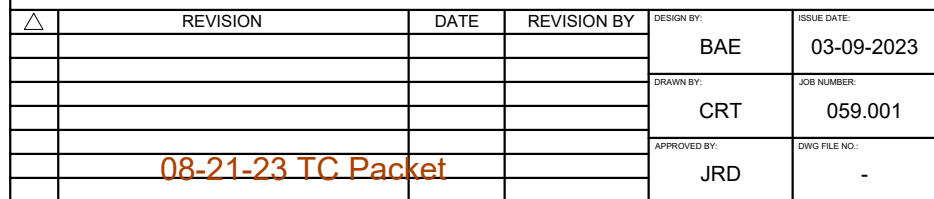
SITE PLAN

DWG NO.:
C-11

SHEET NO.:
13 OF 26

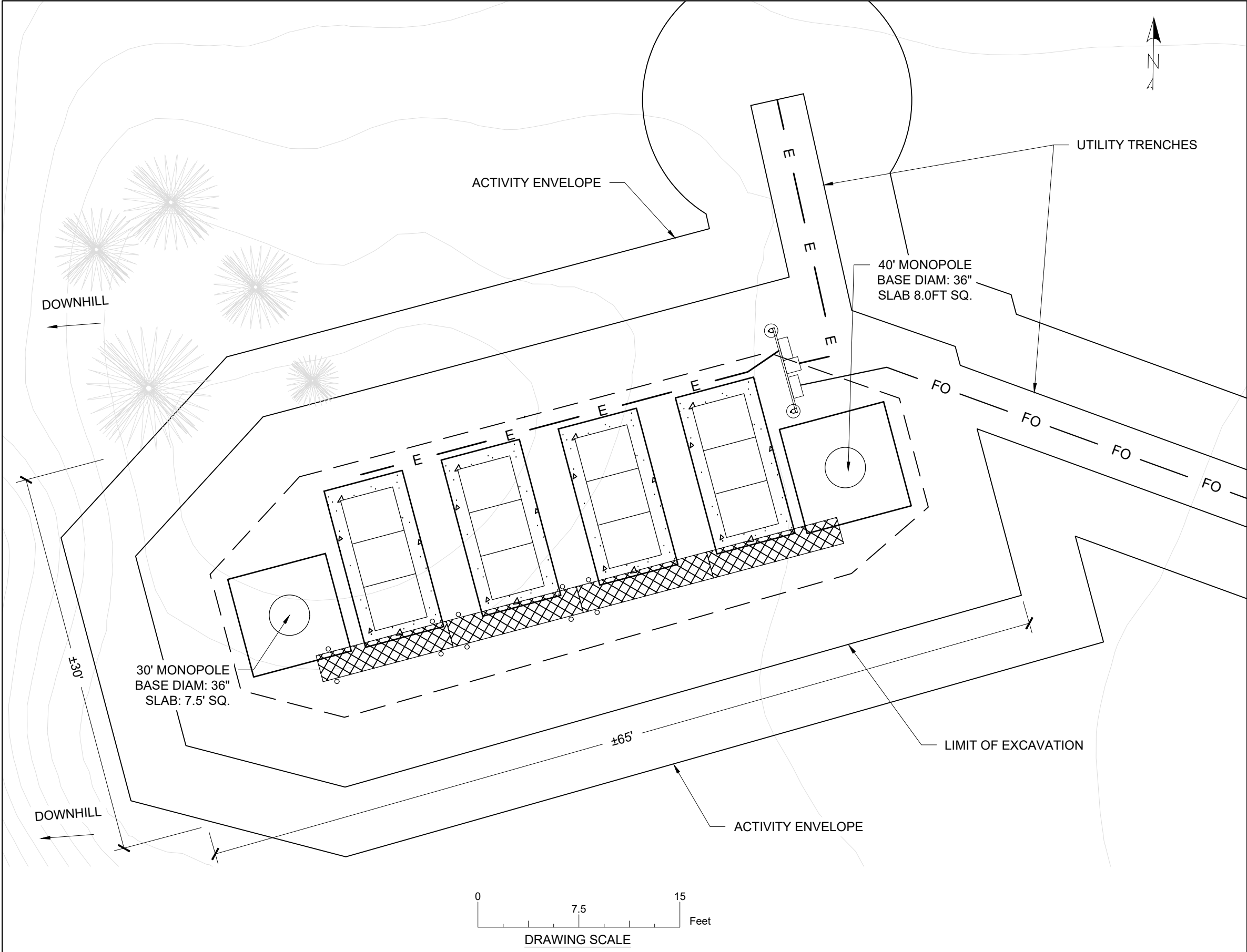


 ...PINE TREE
 ...LEAFY TREE
 ...CARRIER SLAB, 12'X6'
 ...ICE BRIDGE, 10'X2'
 ...GROUND RING
 ...H-FRAME
 ...ACTIVITY ENVELOPE

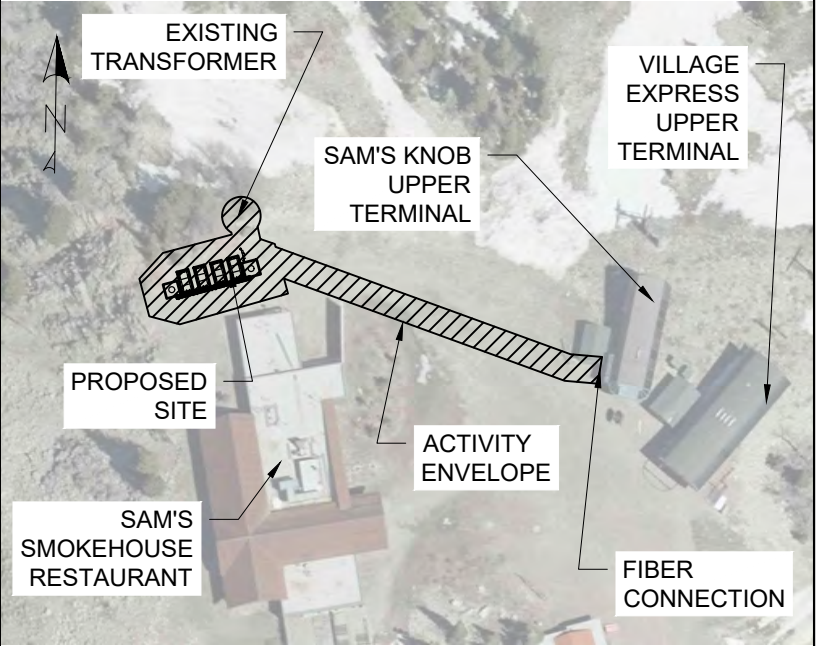


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C-07
SHEET NO.:
16 OF 26

SITE PLAN



- NOTES:
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 - 3. OPTIMIZED SITE LAYOUT AVOIDS CONFLICTS WITH TREES AND ROOT SYSTEMS. KEEP TRENCHES MIN. 10' FROM EXTENT OF TREE CANOPY.



IMAGERY: PITKIN COUNTY AERIAL, 2018. SCALE: 1" = 100'

- KEY:
- CONTOUR LINES @ 2' INTERVALS
 - E...BURIED POWER
 - FO...BURIED FIBER
 - ...PINE TREE
 - ...LEAFY TREE
 - ...CARRIER SLAB, 12'X6'
 - ...ICE BRIDGE, 10'X2'
 - ...GROUND RING
 - ...H-FRAME
 - ... ACTIVITY ENVELOPE

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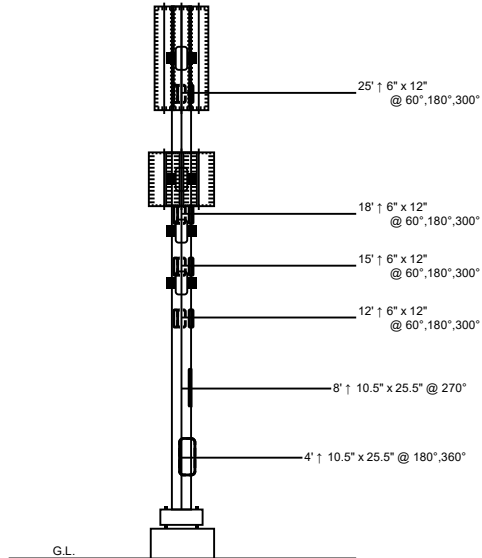
ASPEN SKI COMPANY
NEW CELL CARRIER TOWER SITE
PROPOSED CONSTRUCTION: 2024
SAM'S SMOKEHOUSE RESTAURANT 1 & 2

SITE PLAN

DWG NO.:
C-09

SHEET NO.:
21 OF 26

SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN									
Length (ft)	29'-0"								
Number Of Sides	18								
Lap Splice (ft)	14"								
Top Diameter (in)	14"								
Bottom Diameter (in)	14"								
Taper (in/ft)	A572-65								
Grade	1796								
Weight (lbs)	29								
Overall Steel Height (ft)									



Designed Appurtenance Loading

Elev	Description	Tx-Line
27	Flush Mount (Monopole Only)	
27	(3) 6" x 1' x 3in Panel	(3) DC/Fiber Trunks
20	Flush Mount (Monopole Only)	
20	(3) MIMO MAX (900 MHz)	
17	Flush Mount (Monopole Only)	
17	(3) CBRS Micro RRH (11.61" x 9.64" x 3.14")	
14	Flush Mount (Monopole Only)	
14	(3) CBRS Micro RRH (11.61" x 9.64" x 3.14")	

Design Criteria - ANSI/TIA-222-H

Wind Speed (No Ice)	105 mph
Wind Speed (Ice)	50 mph
Design Ice Thickness	0.25 in
Risk Category	II
Exposure Category	C
Topographic Factor Procedure	Method 2 (Rigorous)
Topographic Feature	Hill
Crest Height	1548 ft
Length of Topographic Feature	4013 ft
Horizontal Distance from Structure to Crest	0 ft
Ground Elevation	10617 ft
Seismic Importance Factor, Ie	1.00
0.2-sec Spectral Response, Ss	0.471 g
1-sec Spectral Response, S1	0.091 g
Site Class	D (DEFAULT)
Seismic Design Category	C
Basic Seismic Force-Resisting System	Telecommunication Tower (Pole: Steel)

Limit State Load Combination Reactions

Load Combination	Axial (kips)	Shear (kips)	Moment (ft-k)	Deflection (ft)	Sway (deg)
1.2 D + 1.0 Wo	2.78	2.76	54.26	0.24	0.65
0.9 D + 1.0 Wo	2.08	2.76	54.18	0.24	0.65
1.2 D + 1.0 Ev + 1.0 Eh	2.98	0.57	10.52	0.04	0.11
0.9 D - 1.0 Ev + 1.0 Eh	1.88	0.57	10.5	0.04	0.11
1.0 D + 1.0 Wo (Service @ 60 mph)	2.32	0.8	15.83	0.07	0.19

Base Plate Dimensions

Shape	Diameter	Thickness	Bolt Circle	Bolt Qty	Bolt Diameter
Round	19.75"	1"	17.25"	6	1"

Notes

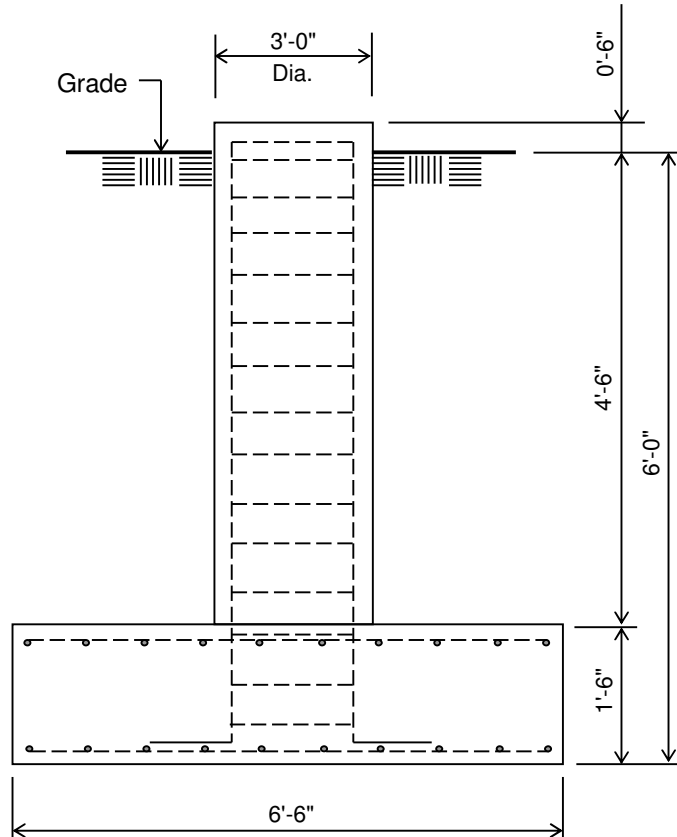
- 1) Antenna Feed Lines Run Inside Pole
- 2) All dimensions are above ground level, unless otherwise specified.
- 3) Weights shown are estimates. Final weights may vary.
- 4) This tower design and, if applicable, the foundation design(s) shown on the following page(s) also meet or exceed the requirements of the 2018 International Building Code.
- 5) Full Height Step Bolts

 Sabre Industries 7101 Southbridge Drive P.O. Box 658 Sioux City, IA 51102-0658 Phone: (712) 258-6690 Fax: (712) 279-0814 Information contained herein is the sole property of Sabre Communications Corporation, constitutes a trade secret as defined by Iowa Code Ch. 550 and shall not be reproduced, copied or used in whole or part for any purpose whatsoever without the prior written consent of Sabre Communications Corporation.	Quote:	23-1901-RSS		
	Customer:	ASPEN SKIING COMPANY		
	Site Name:	Any		
	Description:	30' Monopole		
	Date:	9/6/2022	By: RM	Page: 1

Customer: ASPEN SKIING COMPANY

30' Monopole

PRELIMINARY -NOT FOR CONSTRUCTION-



ELEVATION VIEW

(3.66 Cu. Yds.)

(1 REQUIRED; NOT TO SCALE)

Notes:

- 1) Concrete shall have a minimum 28-day compressive strength of 4,500 psi, in accordance with ACI 318-14.
- 2) Rebar to conform to ASTM specification A615 Grade 60.
- 3) All rebar to have a minimum of 3" concrete cover.
- 4) All exposed concrete corners to be chamfered 3/4".
- 5) The foundation design is based on presumptive clay soil as defined in ANSI/TIA-222-H-2017. It is recommended that a soil analysis of the site be performed to verify the soil parameters used in the design.
- 6) 4.5 ft of soil cover is required over the entire area of the foundation slab.
- 7) The bottom anchor bolt template shall be positioned as closely as possible to the bottom of the anchor bolts.

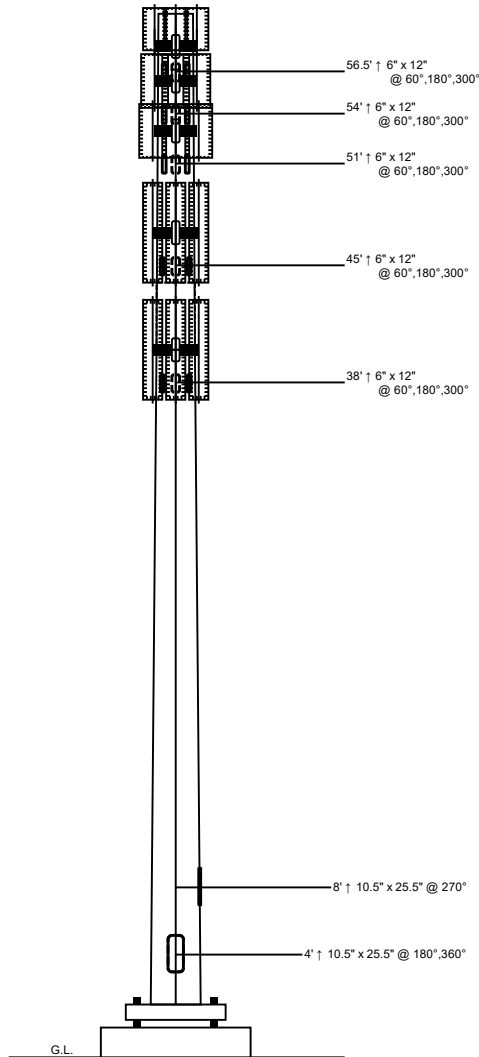
Rebar Schedule for Pad and Pier

Pier	(10) #7 vertical rebar w/ hooks at bottom w/ #5 ties, (2) within top 5" of pier, then 4" C/C
Pad	(7) #5 horizontal rebar evenly spaced each way top and bottom (28 total)

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7101 Southbridge Drive - P.O. Box 658 - Sioux City, IA 51102-0658 - Phone 712.258.6690 - Fax 712.279.0814

SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN									
Length (ft)	43'-0"	20'-0"	4'-0"	18	24"	28.24"	0.21182	A572-65	1824
Number Of Sides									
Lap Splice (ft)									
Top Diameter (in)									
Bottom Diameter (in)									
Taper (in/ft)									
Grade									
Weight (lbs)									
Overall Steel Height (ft)									



Designed Appurtenance Loading

Elev	Description	Tx-Line
59	(3) AIR 6449 B77D	(6) DC/Fiber Trunks
58	Flush Mount (Monopole Only)	
56	Flush Mount (Monopole Only)	
56	(3) MIMO MAX (900 MHz)	
53	Flush Mount (Monopole Only)	
53	(3) MIMO MAX (900 MHz)	
47	Flush Mount (Monopole Only)	
47	(3) 6' x 1' x 3in Panel	(3) DC/Fiber Trunks
40	Flush Mount (Monopole Only)	
40	(3) 6' x 1' x 3in Panel	(3) DC/Fiber Trunks

Design Criteria - ANSI/TIA-222-H

Wind Speed (No Ice)	105 mph
Wind Speed (Ice)	50 mph
Design Ice Thickness	0.25 in
Risk Category	II
Exposure Category	C
Topographic Factor Procedure	Method 2 (Rigorous)
Topographic Feature	Escarpment (Downwind)
Crest Height	1181 ft
Length of Topographic Feature	10560 ft
Horizontal Distance from Structure to Crest	0 ft
Ground Elevation	9229 ft
Seismic Importance Factor, I _e	1.00
0.2-sec Spectral Response, S _s	0.468 g
1-sec Spectral Response, S ₁	0.091 g
Site Class	D (DEFAULT)
Seismic Design Category	C
Basic Seismic Force-Resisting System	Telecommunication Tower (Pole: Steel)

Limit State Load Combination Reactions

Load Combination	Axial (kips)	Shear (kips)	Moment (ft-k)	Deflection (ft)	Sway (deg)
1.2 D + 1.0 W _o	8.77	5.79	231.75	0.33	0.47
0.9 D + 1.0 W _o	6.58	5.79	231.47	0.32	0.47
1.2 D + 1.0 E _v + 1.0 E _h	9.4	1.12	47.21	0.07	0.1
0.9 D - 1.0 E _v + 1.0 E _h	5.92	1.12	47.1	0.07	0.1
1.0 D + 1.0 W _o (Service @ 60 mph)	7.31	1.69	67.62	0.09	0.14

Base Plate Dimensions

Shape	Diameter	Thickness	Bolt Circle	Bolt Qty	Bolt Diameter
Round	42.25"	1"	39.75"	16	1"

Notes

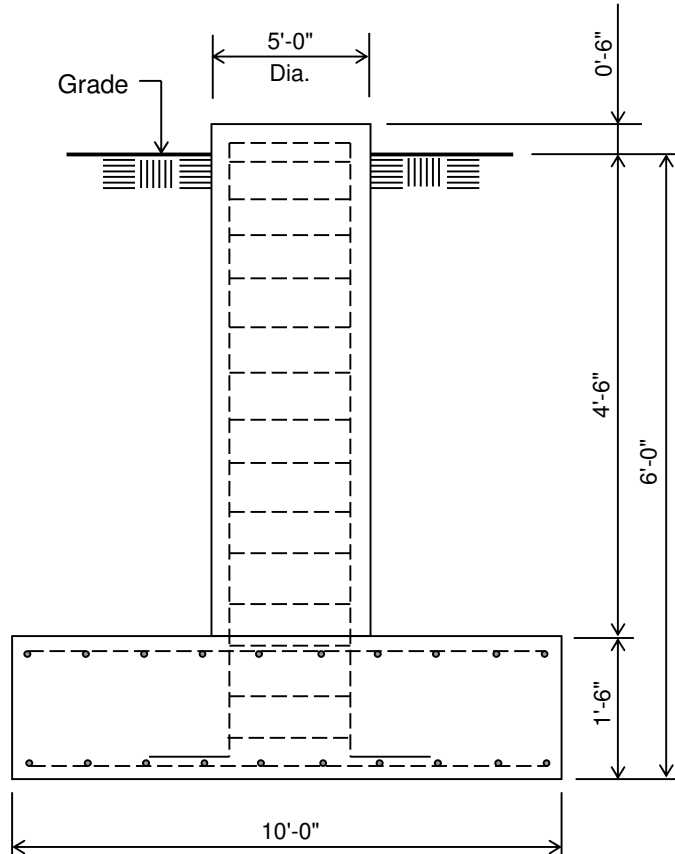
- 1) Antenna Feed Lines Run Inside Pole
- 2) All dimensions are above ground level, unless otherwise specified.
- 3) Weights shown are estimates. Final weights may vary.
- 4) This tower design and, if applicable, the foundation design(s) shown on the following page(s) also meet or exceed the requirements of the 2018 International Building Code.
- 5) Full Height Step Bolts

 Sabre Industries 7101 Southbridge Drive P.O. Box 658 Sioux City, IA 51102-0658 Phone: (712) 258-6690 Fax: (712) 279-0814 Information contained herein is the sole property of Sabre Communications Corporation, constitutes a trade secret as defined by Iowa Code Ch. 550 and shall not be reproduced, copied or used in whole or part for any purpose whatsoever without the prior written consent of Sabre Communications Corporation.	Quote:	23-3420-RSS Opt. 3		
	Customer:	ASPEN SKIING COMPANY		
	Site Name:	Any		
	Description:	60' Monopole		
	Date:	12/14/2022	By: RM	Page: 1

Customer: ASPEN SKIING COMPANY

60' Monopole

PRELIMINARY -NOT FOR CONSTRUCTION-



ELEVATION VIEW

(9.19 Cu. Yds.)

(1 REQUIRED; NOT TO SCALE)

Notes:

- 1) Concrete shall have a minimum 28-day compressive strength of 4,500 psi, in accordance with ACI 318-14.
- 2) Rebar to conform to ASTM specification A615 Grade 60.
- 3) All rebar to have a minimum of 3" concrete cover.
- 4) All exposed concrete corners to be chamfered 3/4".
- 5) The foundation design is based on presumptive clay soil as defined in ANSI/TIA-222-H-2017. It is recommended that a soil analysis of the site be performed to verify the soil parameters used in the design.
- 6) 4.5 ft of soil cover is required over the entire area of the foundation slab.
- 7) The bottom anchor bolt template shall be positioned as closely as possible to the bottom of the anchor bolts.

Rebar Schedule for Pad and Pier	
Pier	(24) #7 vertical rebar w/ hooks at bottom w/ #5 ties, (2) within top 5" of pier, then 4" C/C
Pad	(11) #5 horizontal rebar evenly spaced each way top and bottom (44 total)

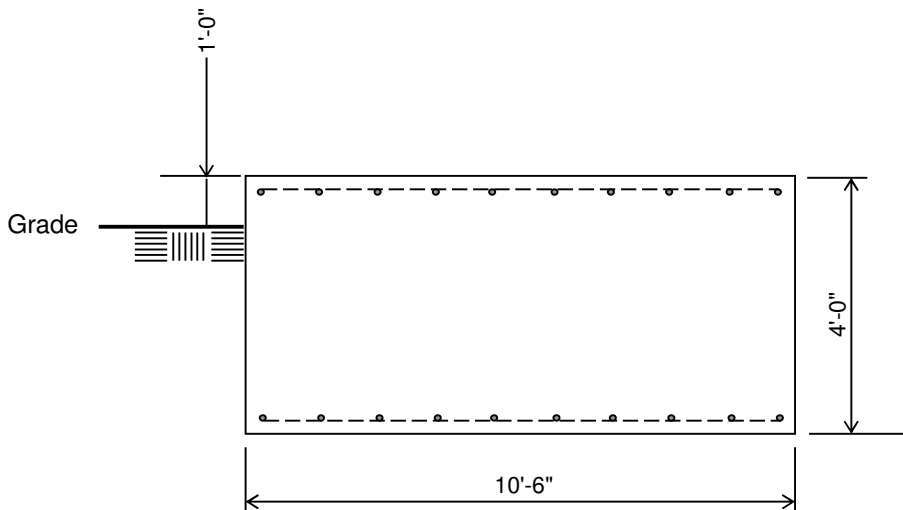
Customer: ASPEN SKIING COMPANY

60' Monopole

PRELIMINARY -NOT FOR CONSTRUCTION-

Notes:

- 1) Concrete shall have a minimum 28-day compressive strength of 4,500 psi, in accordance with ACI 318-14.
- 2) Rebar to conform to ASTM specification A615 Grade 60.
- 3) All rebar to have a minimum of 3" concrete cover.
- 4) All exposed concrete corners to be chamfered 3/4".
- 5) The foundation design is based on presumptive clay soil as defined in ANSI/TIA-222-H-2017. It is recommended that a soil analysis of the site be performed to verify the soil parameters used in the design.



ELEVATION VIEW

(16.33 Cu. Yds.)

(1 REQUIRED; NOT TO SCALE)

- 6) The bottom anchor bolt template shall be positioned as closely as possible to the bottom of the anchor bolts.

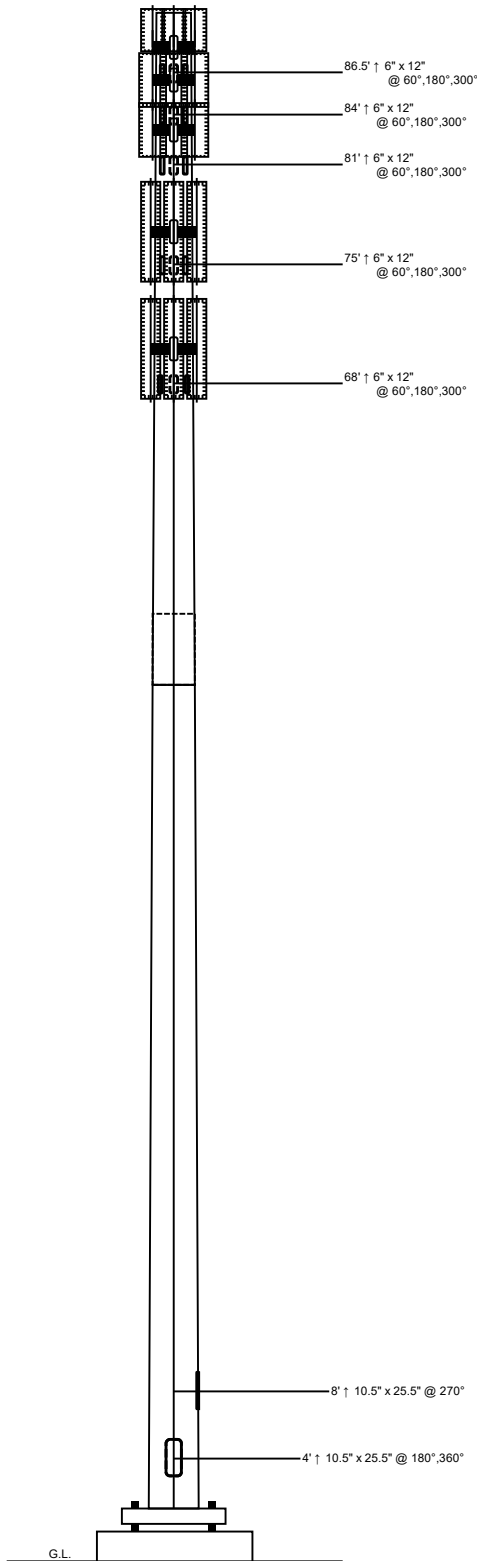
Rebar Schedule for Pad

<u>Rebar Schedule for Pad</u>	
Pad	(13) #8 horizontal rebar evenly spaced each way top and bottom (52 total)

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SIZES ARE PRELIMINARY AND MAY CHANGE UPON FINAL DESIGN									
Length (ft)	53'-3"	40'-0"	18	4'-3"	24"	30"	0.15	A572-65	3493
Number Of Sides									
Lap Splice (ft)									
Top Diameter (in)	28.86"								
Bottom Diameter (in)	36.85"								
Taper (in/ft)									
Grade									
Weight (lbs)	5506								
Overall Steel Height (ft)	89								



Designed Appurtenance Loading

Elev	Description	Tx-Line
89	(3) AIR 6449 B77D	(6) DC/Fiber Trunks
88	Flush Mount (Monopole Only)	
86	Flush Mount (Monopole Only)	
86	(3) MIMO MAX (900 MHz)	
83	Flush Mount (Monopole Only)	
83	(3) MIMO MAX (900 MHz)	
77	Flush Mount (Monopole Only)	
77	(3) 6' x 1' x 3in Panel	(3) DC/Fiber Trunks
70	Flush Mount (Monopole Only)	
70	(3) 6' x 1' x 3in Panel	(3) DC/Fiber Trunks

Design Criteria - ANSI/TIA-222-H

Wind Speed (No Ice)	105 mph
Wind Speed (Ice)	50 mph
Design Ice Thickness	0.25 in
Risk Category	II
Exposure Category	C
Topographic Factor Procedure	Method 2 (Rigorous)
Topographic Feature	Hill
Crest Height	1223 ft
Length of Topographic Feature	6811 ft
Horizontal Distance from Structure to Crest	0 ft
Ground Elevation	9901 ft
Seismic Importance Factor, I _e	1.00
0.2-sec Spectral Response, S _s	0.452 g
1-sec Spectral Response, S ₁	0.089 g
Site Class	D (DEFAULT)
Seismic Design Category	C
Basic Seismic Force-Resisting System	Telecommunication Tower (Pole: Steel)

Limit State Load Combination Reactions

Load Combination	Axial (kips)	Shear (kips)	Moment (ft-k)	Deflection (ft)	Sway (deg)
1.2 D + 1.0 W _o	12.12	10.04	600.66	1.82	1.78
0.9 D + 1.0 W _o	9.09	10.04	598.1	1.81	1.77
1.2 D + 1.0 E _v + 1.0 E _h	12.97	0.73	49.35	0.15	0.15
0.9 D - 1.0 E _v + 1.0 E _h	8.2	0.73	49.06	0.15	0.15
1.0 D + 1.0 W _o (Service @ 60 mph)	10.11	2.93	175.12	0.53	0.52

Base Plate Dimensions

Shape	Diameter	Thickness	Bolt Circle	Bolt Qty	Bolt Diameter
Round	43.25"	1"	40.75"	16	1"

Notes

- 1) Antenna Feed Lines Run Inside Pole
- 2) All dimensions are above ground level, unless otherwise specified.
- 3) Weights shown are estimates. Final weights may vary.
- 4) This tower design and, if applicable, the foundation design(s) shown on the following page(s) also meet or exceed the requirements of the 2018 International Building Code.
- 5) Full Height Step Bolts



Sabre Industries
7101 Southbridge Drive
P.O. Box 658
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Phone: (712) 258-6690
Fax: (712) 279-0814

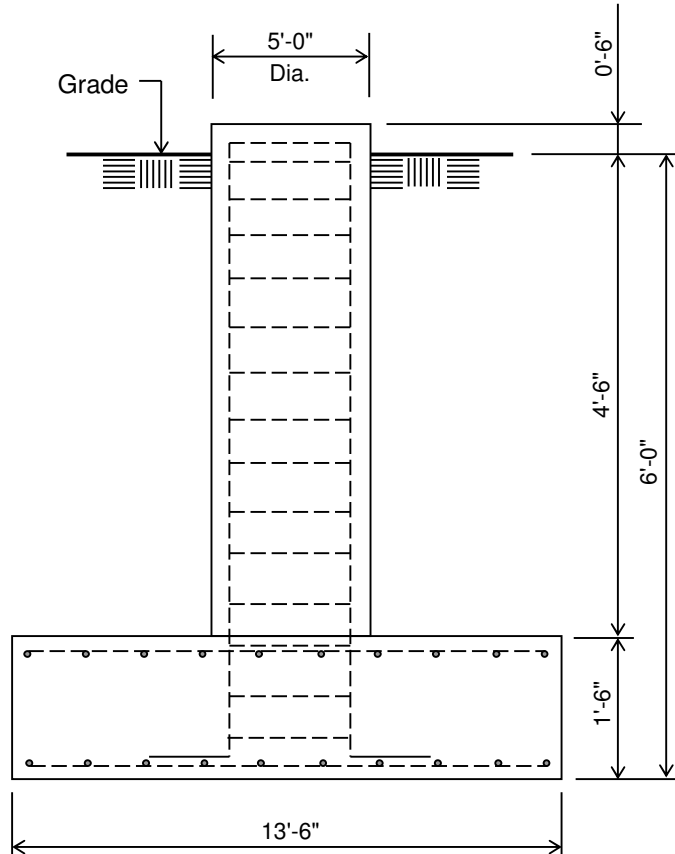
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Quote:	23-3811-RSS
Customer:	ELK MOUNTAIN TECHNOLOGY
Site Name:	Any
Description:	90' Monopole
Date:	1/12/2023
By:	RM
Page:	1

Customer: ELK MOUNTAIN TECHNOLOGY

90' Monopole

PRELIMINARY -NOT FOR CONSTRUCTION-



ELEVATION VIEW

(13.76 Cu. Yds.)

(1 REQUIRED; NOT TO SCALE)

Notes:

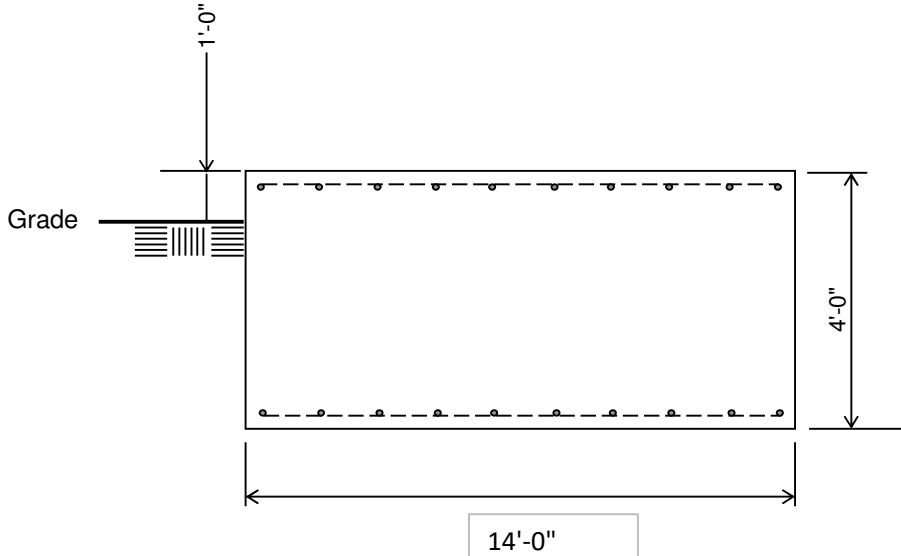
- 1) Concrete shall have a minimum 28-day compressive strength of 4,500 psi, in accordance with ACI 318-14.
- 2) Rebar to conform to ASTM specification A615 Grade 60.
- 3) All rebar to have a minimum of 3" concrete cover.
- 4) All exposed concrete corners to be chamfered 3/4".
- 5) The foundation design is based on presumptive clay soil as defined in ANSI/TIA-222-H-2017. It is recommended that a soil analysis of the site be performed to verify the soil parameters used in the design.
- 6) 4.5 ft of soil cover is required over the entire area of the foundation slab.
- 7) The bottom anchor bolt template shall be positioned as closely as possible to the bottom of the anchor bolts.

Rebar Schedule for Pad and Pier	
Pier	(24) #7 vertical rebar w/ hooks at bottom w/ #5 ties, (2) within top 5" of pier, then 4" C/C
Pad	(14) #6 horizontal rebar evenly spaced each way top and bottom (56 total)

Customer: ELK MOUNTAIN TECHNOLOGY

90' Monopole

PRELIMINARY -NOT FOR CONSTRUCTION-



Notes:

- 1) Concrete shall have a minimum 28-day compressive strength of 4,500 psi, in accordance with ACI 318-14.
- 2) Rebar to conform to ASTM specification A615 Grade 60.
- 3) All rebar to have a minimum of 3" concrete cover.
- 4) All exposed concrete corners to be chamfered 3/4".
- 5) The foundation design is based on presumptive clay soil as defined in ANSI/TIA-222-H-2017. It is recommended that a soil analysis of the site be performed to verify the soil parameters used in the design.

ELEVATION VIEW

(29.04 Cu. Yds.)

(1 REQUIRED; NOT TO SCALE)

- 6) The bottom anchor bolt template shall be positioned as closely as possible to the bottom of the anchor bolts.

Rebar Schedule for Pad and Pier	
Pad	(18) #8 horizontal rebar evenly spaced each way top and bottom (72 total)

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TOWN OF SNOWMASS VILLAGE

SPECIAL REVIEW APPLICATION

There are certain uses which, because of their unusual character and potential impact upon the use and enjoyment of neighboring property, cannot be classified into a particular district or districts without site specific consideration of their impacts upon neighboring lands and upon the public need for the particular use at the particular location. These uses require special review of their location, design, intensity, density, configuration, operating characteristics and impacts on public facilities, and may require the imposition of appropriate conditions to ensure the use will be compatible at a particular location and mitigates its adverse impacts.

Only those uses designated as a special review use in the underlying zone district in Article III of the Snowmass Village Municipal Code (the Code) and/or per a Final PUD Guide, may be approved by special review, after issuance of a permit in accordance with the procedures set forth herein. No approved special review use may be modified, structurally enlarged or expanded in ground area unless such modification, enlargement or expansion receives the prior approval of the Town, which approval shall be obtained by repeating the granting procedures herein provided.

GENERAL DATA REQUIREMENTS

Date:

Name of Owner: Phone: Email:

Address:

Name of Applicant (if different than owner): Phone: Email:

Address:

Physical Address of Property:

Legal Description:

EXISTING CONDITION INFORMATION

Present Use:

Present Zoning:

Lot Area (sq.ft.):

Allowable Floor Area Ratio per Zoning or PUD Plan:

Square Footage of All Areas Calculated as Floor Area by Code:

Existing Building Height (if applicable):

of Parking Spaces and Bedrooms (if applicable):

PROPOSAL DATA

(Only fill in those that apply)

Proposed Use(s):

Proposed Building Setbacks:

Proposed Floor Area:

Proposed Building Height:

Other:

DESCRIBE YOUR PROPOSED SPECIAL REVIEW

PROVIDE THE FOLLOWING ADDITIONAL INFORMATION

1. **Owner's Permission.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners, or an association representing the owners, consenting to or joining in the development application.
2. **Name, Address, Telephone Number and Power of Attorney.** The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, address and phone number.
3. **Disclosure of Ownership.** A certificate from a title insurance company or attorney licensed in the State which shall set forth the names of all owners of property included in the application and shall include a list of all mortgages, judgments, liens, contracts, easements or agreements of record that affect the property. At the Town's option, the holders or owners of such mortgages, judgments, liens, contracts, easements or agreements of record may be required to consent to the application before it is acted upon by the Town.
4. **Vicinity Map.** An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map locating the subject parcel within the Town of Snowmass Village.
5. **Site Plan.** A site plan, showing proposed features that are relevant to the special review application.
6. **Improvements and Topographical Survey.** An improvements and topographical survey, showing the location and dimensions of all existing structures, streets, alleys, easements, drainage areas, irrigation ditches, public and private utilities and other significant features within the property, if determined needed at the pre-application conference.
7. **Other Information.** The Planning Director may request the applicant to submit such other information as is necessary to evaluate the impacts of the special review application. Examples of the information that may be requested are elevations of proposed new or remodeled structures, analysis of the traffic impacts of the proposed use, or evaluation of the environmental impacts of the proposed use.
8. **Other Maps.** All other maps required for the application shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger, on sheets no larger than thirty inches by forty-two inches (30" x 42"), with an unencumbered margin of one and one-half inches (1.5") on the left hand side of the sheet and one-half inch (0.5") around the other three (3) sides of the sheet. Sheets of twenty-four by thirty-six inches (24" x 36") are preferred. If it is necessary to place information on more than one (1) sheet, an index shall be included on the first sheet. Report-size versions of all maps, reduced to a sheet size of no greater than eleven inches by seventeen inches (11" x 17"), shall also be submitted.

9. **Base Fee.** The application shall be accompanied by the applicable base fee from the Planning Department Application Fee Agreement and fee schedule. The applicant shall reimburse the Town for such amounts in excess of the base fee as determined by the Planning Director. The reimbursement to the Town by the applicant shall be due and payable within fifteen (15) days of the date of billing.

NO APPLICATION WILL BE PROCESSED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

REVIEW STANDARDS

An application for a special review use shall comply with the following standards:

1. **Consistent With Comprehensive Plan.** The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.
2. **Comply With Standards of Development Code.** The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:
 - a. **Zone District Standards.** The purpose of the zone district in which it is located, the dimensional limitations of that zone district, and any standards applicable to the particular use, all as specified in Article 3 of the Code.
 - b. **Development Evaluation Standards.** The applicable standards specified in Article 4 of the Code.
3. **Compatible.** The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area, and shall not adversely affect the future development of the surrounding area.
4. **Adequacy of Access.** Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.
5. **Design Minimizes Adverse Impact.** The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.
6. **Design Minimizes Environmental Impact.** The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
7. **Facilities.** There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure to provide for fire protection needs.
8. **Parking.** Sufficient off-street parking shall be provided for the proposed use.

REASONS FOR REQUESTING THIS SPECIAL REVIEW

1. Consistent with Comprehensive Plan:

2. Consistent with Standards of Development Code

a) Zone District Standards:

b) Development Evaluation Standards:

3. Compatible:

4. Adequacy of Access:

5. Design Minimizes Adverse Impact:

6. Design Minimizes Environmental Impact:

7. Facilities:

8. Parking:

REVIEW PROCEDURE

The following procedures shall apply to a special review application, (see attached figure Special Review Application Procedures).

1. **Pre-Application Conference.** Attendance at a pre-application conference is required prior to submission of an application for a special review permit.
2. **Submission of Application.** The applicant shall submit an application to the Planning Department.
3. **Staff Review.** Staff review of the application.
4. **Administrative Review Public Hearing.** A complete copy of the application shall be forwarded to the Planning Director, together with a copy of the staff review. The Planning Director shall hold a public hearing to consider the application, conducted pursuant to Section 5-160 (B) of the Code.
 - a. **Action by Planning Director.** Within three (3) days after the closure of the public hearing, the Planning Director shall approve, approve with conditions, or deny the application, considering the relevant materials and testimony.
 - b. **Referral to Planning Commission.** If, during the staff review or during the public hearing, any issues arise that cannot be resolved to the satisfaction of the staff or the applicant, then the staff shall refer the application within thirty (30) days to the Planning Commission, which shall approve, approve with conditions, or deny the application, based on the review standards. **Public notice** that an application for a special review use has been referred to the Planning Commission shall be given by publication, mailing and posting of notice.

Or,

5. **Action by decision-making body.** The following procedure shall apply to an application for special review if, due to its scale or potential impacts upon surrounding properties due to the nature and intensity of the proposed activity or use, it is determined by the Planning Director to warrant referral to the Planning Commission and Town Council for final determination.
 - a. **Planning Commission review.** A complete copy of the application shall be forwarded to the Planning Commission together with a copy of the staff review. The Planning Commission shall review the application, considering the relevant materials and testimony and the Review Standards and shall make its recommendations to the Town Council.
 - b. **Action by Town Council.** A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of the notice. The Town Council shall hold a public hearing to consider the application. The Town Council shall consider all relevant materials and testimony, shall consider the Review Standards, and shall approve, approve with conditions or deny the application.
6. **Conditions Authorized.** The Planning Director, the Planning Commission or Town Council may, in approving the special review permit, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the Comprehensive Plan and the Code to prevent or minimize adverse effects from the proposed use and development on surrounding land uses and on the general health, safety, and welfare of the Town. The Town shall be authorized to set limits on the length of any special review permit that it issues and to obtain assurances that the ongoing operation of the use will comply with all of the applicant's representations and all conditions of approval, such as by requiring an annual compliance review. All conditions imposed in any special review approval, with the exception of conditions made applicable to such approval by the express terms of the Code, shall be set forth in the special review permit.

7. **Appeal.** A decision by the Planning Director or the Planning Commission on a special review application may be appealed, pursuant to Section 5-170 of the Code. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 5-170 (D) of the Code.

MANNER AND TIMING OF PUBLIC NOTICE

Public notice shall be given by publication of notice in the newspaper, mailing of notice to property owners surrounding the subject property, and posting of notice on the property, as specified below.

1. **Publication of Notice.** Publication of notice shall be accomplished by the staff, who shall place a legal notice in a newspaper of general circulation in the Town. The legal notice shall state the date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing and shall be published once.
2. **Mailing of Notice.** Mailing of notice shall be accomplished by the applicant. The notice that the applicant shall mail shall be prepared by the Planning Director and provided to the applicant. Notice shall be sent by first class mail to all property owners located within three hundred feet (300') of the subject property fifteen (15) days prior to the public hearing date.
 - a. **Source of List.** The applicant shall compile the list of property owners to whom notice will be mailed by using the most current list of property owners on file with the Pitkin County Tax Assessor.
 - b. **Contents of Mailed Notice.** The notice that is mailed shall contain the following information:
 - i. **Description of Proposal.** A description of the proposed application, including a reference to the Code section under which the application will be processed and the name of the decision-making body that will conduct the hearing. An exhibit depicting the proposed development shall also be included.
 - ii. **Description of Property.** A description of the subject property.
 - iii. **Vicinity Map.** A vicinity map showing the location of the property within the Town.
 - iv. **Date, Time and Place.** The date, time and place of the public hearing for which notice is being given.
 - c. **Additional Hearings.** The written notice shall also state that additional public hearings may be held before the Planning Commission and/or Town Council at later dates, for which only published notice shall be required, and shall indicate that additional information regarding the proposal is available for inspection at the Town offices during normal business hours.
 - d. **Contact Person.** The address and telephone number of the Planning and Building Department, and the name of the person to whom written comments should be directed prior to the public hearing.
3. **Posting of Notice.** Posting of notice shall be accomplished by the applicant fifteen (15) days prior to the public hearing date. The applicant shall obtain a copy of the sign from the staff or shall use a form provided by the Planning and Building Department. The applicant shall enter onto the sign the

date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing. The applicant shall post the sign in a conspicuous location on the subject property. The dimensions of such posting shall be a minimum of twenty-two inches wide by twenty-six inches high (22" 26"). Lettering on the sign shall be a minimum of one-inch (1") in height. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

4. **Validity of Notice.** If the applicant follows the procedures indicated above in good faith, the failure of any particular property owner to receive notice shall not affect the validity of the proceedings which require such notice.
5. **Proof of Notice.** At or before the actual public hearing, the applicant shall provide the Town with an affidavit certifying that notice was posted. A copy of the list of property owners to whom notice was mailed shall be attached to the affidavit. A photograph of the posted sign shall also be attached to the affidavit.

LENGTH OF PERMIT VALIDITY

A special review permit shall be valid for three (3) years from the date of its issuance. If, within three (3) years, the applicant shall not have obtained a building permit to develop the special review use, or shall not have placed the special review use into operation, if the use does not require a building permit, then the permit shall expire.

1. **Extension.** An applicant may request an extension of these expiration provisions. The request shall be submitted to the Planning Department and must be submitted prior to the date on which the permit is to expire. Submission of a request for an extension shall stay the expiration of the permit until such time as the extension request is approved or denied by the Town Council.
2. **Town Council Authority.** Authority to grant an extension of up to one (1) year shall be at the sole discretion of the Town Council, which shall consider whether it has been demonstrated that: (a) the applicant has diligently pursued the permit; (b) failure to proceed with the permit was beyond the applicant's control; and (c) there is a reasonable likelihood that the permit will be developed within the next year.



Town of Snowmass Village
PO Box 5010, 130 Kearns Rd
Snowmass Village, CO 81615
(970)923-5524 | (970)923-1861 fax

WIRELESS COMMUNICATIONS FACILITIES APPLICATION

All applications for the installation or development of Wireless Communications Facilities (WCFs) and/or equipment must receive land use and development approval, building permits, and/or ROW permits, as applicable, prior to installation. Concurrent with the issuance of appropriate building and ROW permits, WCFs and/or equipment shall be reviewed for approval by the Community Development Director (and when applicable, the Town Engineer) in conformance with the provisions and criteria of Section 16A-3-250 of the Town's Municipal Code. WCFs and equipment subject to the provisions and criteria of Section 16A-3-250 include without limitation, WCFs within the Public Rights of Way, cellular telephone, paging, enhanced specialized mobile radio (ESMR), personal communication services (PCS), commercial mobile radio service (CMRS) and other wireless commercial telecommunication devices and all associated structures and equipment including transmitters, antennas, monopoles, towers, masts and microwave dishes, cabinets and equipment rooms. All references made throughout Section 16A-3-250, to any of the devices to which Section 16A-3-250 is applicable, shall be construed to include all other devices to which Section 16A-3-250 is applicable.

No new wireless facility shall be constructed, and no collocation or modification to any existing wireless facility may occur except after submittal of an application and approval by the Town to ensure compliance with the applicable provisions of the Town's Land Use and Development Code and Municipal Code. All work done pursuant to wireless facility applications must be completed in accordance with all applicable building and safety requirements and any other applicable regulations. The review process varies according to the type and location of the proposed facility. The review process is intended to ensure that the facility will be designed and sited in a manner that complies with the provisions of Section 16A-3-250 of the Town's Municipal Code and uses the *Wireless Communications Facilities Design Guidelines* in such a way to minimize negative impacts on surrounding property.

Voluntary Preliminary Review: Because shot clocks greatly reduce staff's ability to help a submitted project through the process, the Town strongly encourages applicants to submit voluntary preliminary review applications for any WCF project. Preliminary reviews are not a project and are not subject to any shot clock. Staff can then work with an applicant to address issues prior to submittal.

Shot Clock Processing Standards: To meet shot clock requirements, the Town requires the concurrent submittal of developmental approval, Building/Electrical permit, and ROW permits at the same time. If the applicant does not want this, they must toll the shot clock. Tolling applies to the whole project, including any ministerial construction permits. Tolloed projects will still be processed diligently.

In addition to the applicable application and review procedures listed in the Section 16A-3-250(e) and Section 16A-3-250(f) in Town Code, all applications shall be reviewed based on all applicable requirements outlined in Chapter 11 - *Streets, Sidewalks and Public Property*, Chapter 16A - *Land Use and Development Code*, and Chapter 18 - *Building Regulations*.

Pursuant to Town Code *Section 16A-5-40*, a WCF development application for a WCF not located in the public ROW may only be submitted to the Planning Department by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent. If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners, or an association representing the owners, consenting to, or joining in the development application.

Also, Pursuant to Town Code *Section 16A-5-40*, the development application shall include the information and materials specified for that particular type of application in the applicable Section of Article V of Chapter 16A of the Town's Code. In addition, all development applications shall, at a minimum, include the following information and materials.

1. Contact Information

The applicant shall submit and maintain current at all times basic contact information set forth below. The applicant shall notify the Town of any changes to the information submitted within fifteen (15) calendar days following any such change. This information shall include the following:

- i) The identity, including name, company, address, email, and telephone number of the applicant:

Applicant Name: Mak Keeling

Company Name: Aspen Skiing Company

Company Address: P.O. Box 1248, Aspen, CO 81612

Applicant Email: mkeeling@aspensnowmass.com

Applicant Telephone: (970) 418-0233

- ii) The identity, including name, address, email, and telephone number of the owner of the proposed wireless facility, including official identification numbers and FCC certifications and, if different from the owner, the identity of the person or entity responsible for operating the proposed wireless facility:

Owner Name: Aspen Skiing Company

Owner Address: P.O. Box 1248, Aspen, CO 81612

Owner Email: mkeeling@aspensnowmass.com

Owner Telephone: (970) 418-0233

ID numbers and

FCC certifications: TBD

Operator Name: TBD

Operator Address: TBD

Operator Email: TBD

Operator Telephone: TBD

- iii) If the owner of the structure on which the proposed wireless facility would be installed is not the Town and is different than (ii) above, the identity, including name, address, email, and telephone number of the owner of the structure (**Please provide a copy of the authorization or license to use the structure**):

Structure Owner Name: N/A

Structure Owner Address: N/A

Structure Owner Email: N/A

Structure Owner Telephone: N/A

- iv) Name, address, email, and telephone number of a local contact person for emergencies:

Emergency Contact Name: Mak Keeling

Emergency Contact Address: P.O. Box 1248, Aspen, CO 81612

Emergency Contact Email: mkeeling@aspensnowmass.com

Emergency Contact Telephone: (970) 418-0233

2. Type of Application

Please check the applicable boxes and provide any information required below as an attachment to this Application, along with a written explanation identifying the facts relied upon to support the claimed treatment.

- ☐ Small Cell Facility. Applicant asserts that the application qualifies as an “Small Cell Facility” (SCF) (as defined in Section 16A-3-250 of the Town’s Municipal Code or any successor provision).
- ☐ Collocation – Small Cell Facility (Existing Structure). Applicant asserts that the application is being submitted for approval of a Collocation of a Small Wireless Facility, that is, the proposed facility both meets the definition of “small wireless facility” and is a “collocation” (both as defined by in Section 16A-3-250 of the Town’s Municipal Code or any successor provision). Replacements of existing structures are “collocations”. **The applicable FCC shot clock is sixty (60) days.**
- ☐ Small Cell Facility (New Structure). Applicant asserts that the application is being submitted for approval to deploy a Small Wireless Facility (as defined by Section 16A-3-250 of the Town’s Municipal Code or any successor provision) involving placement of a new structure. **The applicable FCC shot clock is ninety (90) days.**
- ☐ Eligible Facilities Requests. Applicant asserts that the application qualifies as an “eligible facilities request” (EFR) (as defined in Section 16A-3-250 of the Town’s Municipal Code, or any successor provision). **The applicable FCC shot clock is sixty (60) days.**
- ☐ Non-Eligible Facilities Request Collocation. Applicant asserts that the application is being submitted for approval to deploy new transmission equipment on an existing tower or base station, but that would substantially change dimensions of the tower or base station. **The applicable FCC shot clock is ninety (90) days.**
- ☒ New Deployment of non-Small Cell Wireless Facility. Applicant asserts that the application is being submitted for approval to deploy a new tower. **The applicable FCC shot clock is One-hundred and fifty (150) days.**
- ☐ Project is located in the Town’s Right-of-Way. Applicant asserts that the application is being submitted for approval of a project located in the Town’s Right-of-Way.
- ☐ Check this box if this a consolidated small cell application. If this is a consolidated application, attach additional copies of the Contact Information section indicating the Property Owner Information, Site Location, and Structure Owner Information for each small wireless facility.

How many small wireless facilities are included in this consolidated application? _____

3. Legal description

Please check the box after providing the required legal description as an attachment to this Application.

- ☒ The legal description and street address, if such exists, of the parcel on which the WCF development is proposed.

4. Disclosure of ownership

Please check the box, if applicable, after providing the required ownership information as an attachment to this Application.

- ☒ If the property is not located in the public ROW, a current certificate from a title insurance company or attorney licensed in the State which shall set forth the names of all owners of property included in the application and shall include a list of all mortgages, judgments, liens, contracts, easements, or agreements of record that affect the property. At the Town's option, the holders or owners of such mortgages, judgments, liens, contracts, easements, or agreements of record may be required to consent to the application before it is acted upon by the Town.

5. Written description

Please check the box after providing the information required as an attachment to this Application.

- ☒ A written description of the proposed development and an explanation, in written, graphic, or model form, of how the proposed development complies with the review standards applicable to the application, found in the applicable Section of Article V of Chapter 16A of the Town's Code.

6. Vicinity map

Please check the box after providing the required vicinity map as an attachment to this Application.

- ☒ An eight and one-half inch by eleven-inch (8½" x 11") vicinity map locating the subject parcel within the Town.

Other maps. It is important that the applicant note that all other maps required for the application shall be prepared at a scale of one-inch equals one hundred feet (1" = 100') or larger, on sheets no larger than thirty inches by forty-two inches (30" x 42"), with an unencumbered margin of one and one-half inches (1.5") on the left-hand side of the sheet and one-half inch (0.5") around the other three (3) sides of the sheet. Sheets of twenty-four by thirty-six inches (24" x 36") are preferred. If it is necessary to place information on more than one (1) sheet, an index shall be included on the first sheet. Report-size versions of all maps, reduced to a sheet eleven inches by seventeen inches (11" x 17"), shall also be submitted.

7. Building Permit

Please check the box, if applicable, after providing the required permit or permit application as an attachment to this Application.

- ☒ A Building Permit shall be submitted concurrently with the Development Application. Depending on the nature of project, a full Building Permit may be necessary. A contractor for the proposed work must be identified with the submitted application. A Building Permit without an identified contractor will be deemed incomplete – and the application will be tolled until the contractor is identified.

8. Electrical Permit

Please check the box, if applicable, after providing the required permit or permit application as an attachment to this Application.

- ☒ An Electrical Permit shall be submitted concurrently with the Development Application. Depending on the nature of project, a full Electrical Permit may be necessary, which would be the case for most Eligible Facilities Requests. A contractor for the proposed work must be identified with the submitted application. An Electrical Permit without an identified contractor will be deemed incomplete – and the application will be tolled until the contractor is identified.

9. Right of Way (ROW) Permit

Please check the box, if applicable, after providing the required permit or permit application as an attachment to this Application.

- ☐ For all facilities located in the public ROW, a ROW Permit application shall be submitted concurrently with the Development Application. A contractor for the proposed work must be identified with the submitted application. A ROW permit without an identified contractor will be deemed incomplete – and the application will be tolled until the contractor is identified. Additionally, an Electrical Permit shall be required for any installation that involves line voltage.

10. Radio Frequency Standards

Please check the box after providing the required site-specific non-ionizing electromagnetic radiation (NIER) or electromagnetic energy (EME) report as an attachment to this Application.

- ☒ All WCFs shall comply with federal standards for radio frequency emissions. The wireless provider shall certify that the WCF is in compliance with applicable FCC Maximum Permissible Exposure (MPE) regulations, by submitting a site-specific non-ionizing electromagnetic radiation (NIER) or electromagnetic energy (EME) report for the WCF equipment type and model being installed at the site that is endorsed by a radiofrequency engineer licensed in the State of Colorado, including a certification that the WCF complies with all radiation and electromagnetic standards. The report shall specify approach distances to the general public and occupational workers at the ground and antenna centerline levels. The report shall include instructions regarding powering off the equipment or contact information for a person who can power off the equipment. No significant changes to the power, location, RF emission patterns and/or emitting frequencies may be made without prior notification and approval. However, no substantive changes, for example, in-kind replacements of transmitters of the same frequency, radiation patterns and power are permitted. The Town retains the right to independently verify the RF patterns as installed.

Following construction, wireless providers would attain all local, state, and federal permits required to install their equipment at each tower. They would comply with FCC standards for radio frequency emissions, including MPE regulations.

11. Master License Agreement

Please check the box, if applicable, after providing the required Master License Agreement as an attachment to this Application.

- ☐ In addition to providing a permit, to collocate a small wireless facility on a Municipal streetlight pole, the Town, by and through the Town Council, and applicants must execute a Master License Agreement as per the Town's Right-of-Way regulations, provided by the Town for the initial collocation. A copy of said Agreement is on file in the Town and incorporated herein by reference as exhibit A. For subsequent approved permits to collocate on a small wireless facility on a Municipal streetlight pole, the Town, by and through the Town Manager, or designee, and the applicant may enter into a License Supplement of the Master License Agreement in a form approved by the Town Manager for such purpose.

12. Additional Application Requirements and Conditions for Small Cell Facility Development Applications in the Public ROW

Please check all the boxes, if applicable, after providing the information required as an attachment to this Application.

- ☐ Site specific structural integrity and, for a Municipal streetlight pole, make-ready analysis prepared by a Colorado licensed structural engineer.
- ☐ The location where each proposed small wireless facility would be installed and photographs of the location and its immediate surroundings depicting the streetlight poles or structures on which each proposed small wireless facility would be mounted or location where wireless support structures would be installed. This should include a depiction of the completed facility.
- ☐ Specifications and drawings prepared by a Colorado licensed structural engineer for each proposed small wireless facility covered by the application as it is proposed to be installed.
- ☐ The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility.
- ☐ A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved.
- ☐ Certification that the collocation complies with the collocation requirements and conditions contained in Section 16A-3-250 of the Town's Municipal Code, to the best of the applicant's knowledge.

- ☐ In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Town, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

13. Public Safety

Please check the box to indicate that the applicant agrees that pursuant to Town Code Section 16A-3-250(e)(4) the following testing procedures will be followed.

- ☒ Pursuant to Town Code Section 16A-3-250(e)(4), the wireless provider shall comply with all applicable FCC, state, and local codes, provisions, or regulations that concern public safety. WCFs must not result in human exposure to radio frequency radiation in excess of applicable safety standards specified in [47 CFR Rule 1.1307\(b\)](#). After transmitter and antenna system optimization, but prior to unattended operations of the facility, the wireless provider or its representative must conduct on-site post-installation RF emissions testing to demonstrate actual compliance with the [FCC OET Bulletin 65](#) RF emissions safety rules for general population/uncontrolled RF exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the RF emissions no longer exceed the uncontrolled/general population limit. The wireless provider shall submit documentation of this testing to the Town within ninety (90) days after installation of the facility. RF emissions testing shall be conducted annually, and the wireless provider shall submit documentation of this testing to the Town within ninety (90) days after the testing is completed.

14. Notice Requirements

Please check all the boxes, if applicable, to indicate that the applicant agrees that pursuant to sections of Town Code Section 16A-5-60, **at the issuance of a completeness letter for an application for a new SCF installation**, the following procedures for public notice will be followed.

- ☐ Within 15 days of the completeness letter being issued, the following notice materials are required:
- ☐ A 24x36 poster will be placed at the location of the proposed facility. The poster will include the following information:
 - A photo simulation of the proposed facility.
 - A brief description of the type of equipment and RF signal that is emitting from the facility.
 - Contact information for the applicant.
 - Contact information for Town staff.
 - ☐ A mailed notice to all property owners within 300 feet of each proposed facility, measured from the parcel line to the proposed facility. The mailed notice will include the information required by the on-site poster – and shall additionally include text that better explains what a SCF is.
 - ☐ Newspaper Notice – Town of Snowmass Village Community Development will facilitate.
 - ☐ Location information shall be provided in a compatible format so that Town of Snowmass Village GIS can update the location in a layer on the Snowmass Village map identifying Existing and Pending Wireless facilities.

The Town of Snowmass Village Community Development Department will assist the applicant in the provision of the notice. Any delays in the provision of necessary materials for public notice by the applicant will result in a hard stop on the shot clock tolling. All costs associated with the issuance of public notice shall be the responsibility of the applicant.

15. Fee (The Town of Snowmass Village will Complete this Section of this Application **)**

The Town will complete this section after the applicant completes all the other sections of this application. Once the Town has determined the appropriate fees for this application, the Town will send this application, including a listing of all fees, back to the applicant to pay all the fees associated with this application. A determination of application completeness and shot clocks will not start until all fees associated with this application have been paid in full.

All WCF development applications, except for small wireless facility development applications in the ROW, shall be accompanied by the applicable base fee from the Planning Department's fee schedule. The fee schedule shall be established and may be revised from time-to-time by the Planning Director. The fee schedule shall be available for review in the Planning Department during normal business hours.

The Town will check the appropriate boxes below after determining the appropriate base fees.

- ☐ Actual fee. The actual review fee shall be computed by the Planning Director, based upon a staff hourly rate determined by the Planning Director to be an estimate of the fully allocated hourly cost of review of the application by the Town staff, plus the actual costs incurred by the Town in employing consultants, including attorneys and engineers, performing services for the Town directly related to the application. **Fee:** _____
- ☐ Reimbursement due. The applicant shall reimburse the Town for such amounts in excess of the base fee as determined by the Planning Director. The reimbursement to the Town by the applicant shall be due and payable within fifteen (15) days of the date of billing. **Fee:** _____
- ☐ The Town retains the right to require an applicant to pay the fees and costs of any consultant engaged by the Town to assist in the review of plans, applications, reports, inspections, and/or testing. **Fee:** _____

The applicable fees for small cell facility development applications in the public ROW shall be as follows. The Town will check the appropriate boxes below after determining the appropriate fees based on the type of application required by the statements below.

- ☐ The application fee for an application to collocate a small wireless facility that includes the installation of a new pole shall be: (i) not less than \$1,000 one-time fee for each Small Wireless Facility addressed in an application that includes a new pole; or (ii) established by the Town by resolution as a reasonable, non-discriminatory approximation of the Town's costs; or (iii) agreed upon by the Town and a permittee in a Master License Agreement. **Fee:** _____
- ☐ The application fee for an application to collocate a small wireless facility on an existing streetlight pole or wireless support structure or replacement of an existing streetlight pole or wireless support structure shall be: (i) not less than \$500 one-time fee for a single up-front application that includes up to five Small Wireless Facilities, with an additional \$100 for each Small Wireless Facility beyond five; or (ii) established by the Town by resolution as a reasonable, non-discriminatory approximation of the Town's costs; or (iii) agreed upon by the Town and a permittee in a Master License Agreement. **Fee:** _____
- ☐ A wireless provider shall pay to the Town an annual recurring license fee: (i) not less than \$270 per small wireless facility on a Town streetlight pole located in a ROW; or (ii) established by the Town by resolution as a reasonable, non-discriminatory approximation of the Town's costs; or (iii) agreed upon by the Town and a permittee in a Master License Agreement. **Fee:** _____

The annual recurring license fee shall be payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

- ☐ The Town retains the right to require an applicant to pay the fees and costs of any consultant engaged by the Town to assist in the review of plans, applications, reports, inspections, and/or testing. **Fee:** _____



April 24, 2023

VIA E-MAIL AND U.S. MAIL

Town of Snowmass Village
Town of Snowmass Village Community Development Department
130 Kearns Rd., 2nd floor
Snowmass Village, CO 81615

Re: Cell Tower Construction
Statement of Authority -Two Creeks Parcel (Parcel ID 273506104001)

To Whom it May Concern:

I am an attorney licensed to practice law in the State of Colorado and serve as COO-Mountain Division and Chief Legal Officer for Aspen Skiing Company.

Aspen Skiing Company owns the above-captioned parcel. There are no mortgages, liens or other encumbrances on this parcel or any related sites

As COO and CLO, I am an authorized legal representative of Aspen Skiing Company and hereby authorize Chris Kiley, Senior Vice President of Aspen Skiing Company, and Mak Keeling, as ASC's project management representative, to file and prosecute all necessary and prudent applications.

Regards,

A handwritten signature in blue ink, appearing to read "Rana Dershowitz", with a long horizontal flourish extending to the right.

Rana Dershowitz
COO-Mountain Division and Chief Legal Officer
Aspen Skiing Company
(970) 300-7150

cc: Chris Kiley, SVP ASC Planning & Development Dept.
David Clark, VP, ASC Deputy General Counsel
Mak Keeling, ASC Senior Project Manager

P.O. Box 1248
Aspen, CO 81612-1248
970-925-1220
aspensnowmass.com

Snowmass | Aspen Mountain | Aspen Highlands | Buttermilk



April 24, 2023

VIA E-MAIL AND U.S. MAIL

United States Forest Service
White River National Forest
Aspen-Sopris Ranger District
620 Main St.
Carbondale, CO 81623

Re: Cell Tower Construction
Statement of Authority – Cell Tower Construction Application No. TBD
Special Use Permit Authorization Holder Nos.: 4048/01; 4065/03; 4034/01; 4065/01

To whom it may concern:

I am an attorney licensed to practice law in the State of Colorado and serve as COO-Mountain Division and Chief Legal Officer for Aspen Skiing Company.

Aspen Skiing Company is the USFS Special Use Permit holder for the Aspen Mountain, Aspen Highlands, Snowmass, and Buttermilk ski areas (the "Ski Areas"), all of which are located in Pitkin County Colorado. The Ski Areas within the Special Use Permit areas consist of land owned by United States Forest Service, Pitkin County, along with certain parcels under private ownership. None of the proposed cell tower sites are subject to any mortgages, liens, or encumbrances.

As COO and CLO, I am an authorized legal representative of Aspen Skiing Company and hereby authorize Chris Kiley, Senior Vice President of Aspen Skiing Company's Planning and Development Department, and Mak Keeling, Senior Project Manager, as ASC's project management representative, to file and prosecute all necessary and prudent applications associated with this project.

Regards,

A handwritten signature in blue ink, appearing to read "Rana Dershowitz", with a long, sweeping horizontal stroke extending to the right.

Rana Dershowitz
COO-Mountain Division and Chief Legal Officer
Aspen Skiing Company
(970) 300-7150

cc: Chris Kiley, SVP ASC Planning & Development Dept.
David Clark, VP, ASC Deputy General Counsel
Mak Keeling, ASC Senior Project Manager

P.O. Box 1248
Aspen, CO 81612-1248
970-925-1220
aspensnowmass.com

Snowmass | Aspen Mountain | Aspen Highlands | Buttermilk



April 24, 2023

VIA E-MAIL AND U.S. MAIL

Town of Snowmass Village
Town of Snowmass Village Community Development Department
130 Kearns Rd., 2nd floor
Snowmass Village, CO 81615

Re: Cell Tower Construction
Statement of Authority -Snowmass Ski Area Parcel (Parcel ID 273302400012)

To Whom it May Concern:

I am an attorney licensed to practice law in the State of Colorado and serve as COO-Mountain Division and Chief Legal Officer for Brush Creek Land Company, LLC.

Brush Creek Land Company, LLC, owns the above-captioned parcel. There are no mortgages, liens or other encumbrances on this parcel or any related sites

As COO and CLO, I am an authorized legal representative of Brush Creek Land Company, LLC and hereby authorize Chris Kiley, Senior Vice President of Aspen Skiing Company, and Mak Keeling, as ASC's project management representative, to file and prosecute all necessary and prudent applications.

Regards,

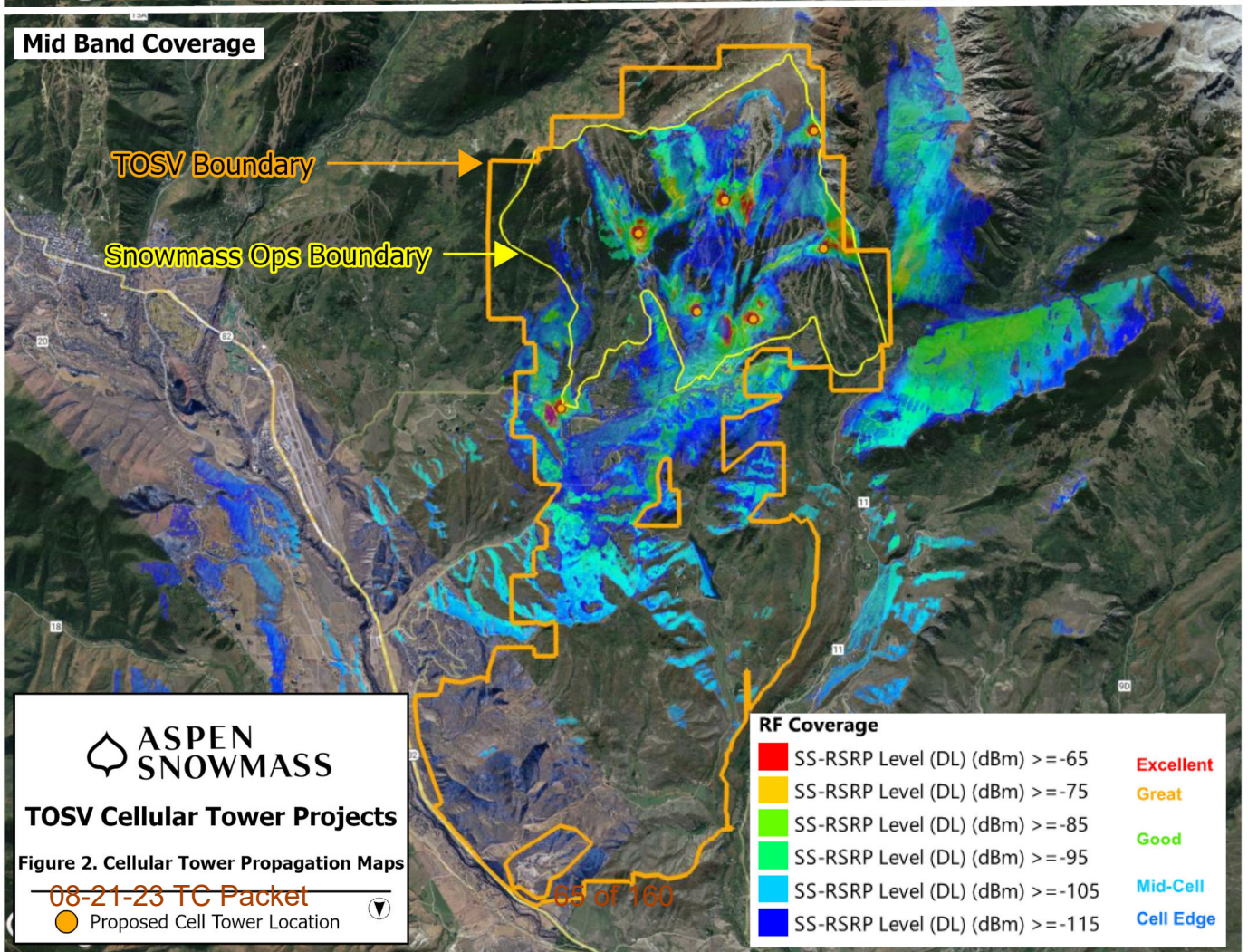
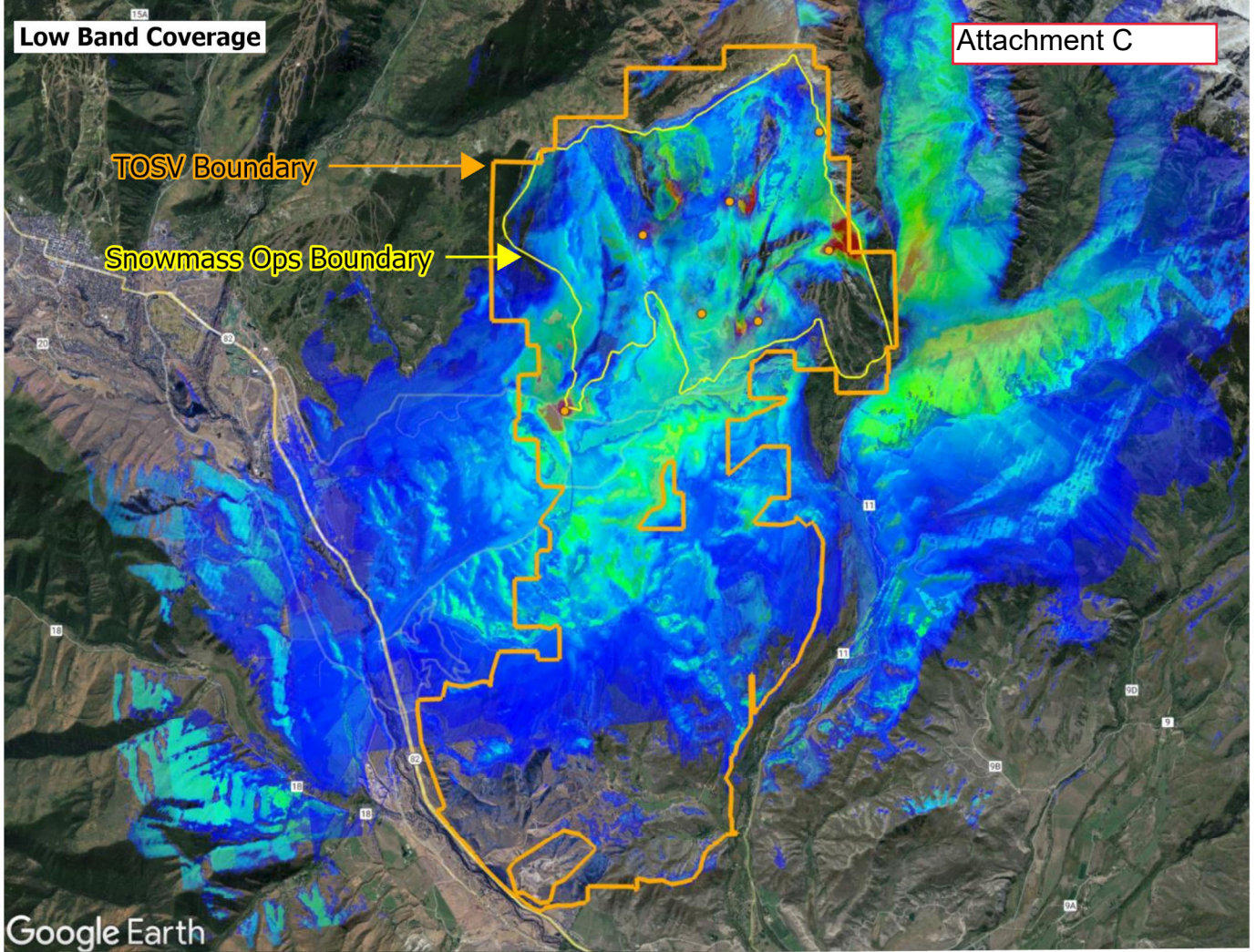
A handwritten signature in blue ink, appearing to read "Rana Dershowitz", with a long, sweeping horizontal line extending to the right.

Rana Dershowitz
COO-Mountain Division and Chief Legal Officer
Aspen Skiing Company
(970) 300-7150

cc: Chris Kiley, SVP ASC Planning & Development Dept.
David Clark, VP, ASC Deputy General Counsel
Mak Keeling, ASC Senior Project Manager

P.O. Box 1248
Aspen, CO 81612-1248
970-925-1220
aspensnowmass.com

Snowmass | Aspen Mountain | Aspen Highlands | Buttermilk



TOSV Cellular Tower Projects

Figure 2. Cellular Tower Propagation Maps

08-21-23 TC Packet

Proposed Cell Tower Location



RF Coverage

SS-RSRP Level (DL) (dBm) ≥ -65	Excellent
SS-RSRP Level (DL) (dBm) ≥ -75	Great
SS-RSRP Level (DL) (dBm) ≥ -85	Good
SS-RSRP Level (DL) (dBm) ≥ -95	Mid-Cell
SS-RSRP Level (DL) (dBm) ≥ -105	Cell Edge
SS-RSRP Level (DL) (dBm) ≥ -115	

RECEIVED

By Virginia Baker at 2:32 pm, Aug 15, 2023

**TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION****RESOLUTION NO. 4
SERIES OF 2023****A RESOLUTION BY THE SNOWMASS VILLAGE PLANNING COMMISSION
RECOMMENDING SPECIAL REVIEW APPROVAL WITH CONDITIONS THE
INSTALLATION OF CELL TOWERS AND ASSOCIATED UTILITY EQUIPMENT
AT LOCATIONS THROUGHOUT THE SNOWMASS MOUNTAIN SKI AREA**

WHEREAS, in accordance with the Town of Snowmass Village (hereafter 'Town') Land Use Code, the Aspen Skiing Company ('Applicant') is requesting Special Review pursuant to Sec. 16A-5-230 of the Land Use Code to install nine (9) new cell towers at seven (7) different locations throughout the Snowmass ski area; and

WHEREAS, pursuant to Municipal Code Section 16A-5-50, the Community Development Department deemed the application complete for review on June 20, 2023; and

WHEREAS, the Planning Commission reviewed the Minor PUD Amendment application at a public meeting on August 2, 2023 to consider the proposal and recommendations from Town staff and referral agencies, at which time a recommendation of approval was voted upon and adopted by the Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the Town of Snowmass Village, as follows:

Section One: General Findings. The Planning Commission generally finds that:

- 1) **Submission:** The Applicant has submitted the Special Review application in accordance with the provisions set forth in the Municipal Code and the Snowmass Mountain PUD adopted in accordance with Ordinance No. 5 of 2017.
- 2) **Content:** The application contained the Minimum Contents as required by the Municipal Code Section 16A-5-40, '*Submission of Application*,' and included written and graphic materials of sufficient detail such that the application was deemed complete for referral and review.
- 3) **Public Process:** The Planning Commission held a public meeting to review the application on August 2, 2023, to formulate recommendations to Town Council in accordance with the responsibilities and procedures prescribed in the Municipal Code Section 16A-5-230(c)(4), '*Action by Decision-Making*

Body. The Town Council will subsequently hold a Public Hearing to review the project and consider the application.

- 4) **Code Requirements:** Subject to the recommendations in Section Three of this Resolution, it was found the land use application follows the Review Standards established in Section 16A-5-230 of the Land Use Code as follows:
- A. Consistent with Comprehensive Plan. The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.
 - B. Comply with standards of Development Code. The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:
 - 1) Zone district standards. The purpose of the zone district in which it is located, the dimensional limitations of that zone district and any standards applicable to the particular use, all as specified in Article III, Zone Districts.
 - 2) Development evaluation standards. The applicable standards specified in Article IV, Development Evaluation Standards.
 - C. Compatible. The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area and shall not adversely affect the future development of the surrounding area.
 - D. Adequacy of access. Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.
 - E. Design minimizes adverse impact. The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.
 - F. Design minimizes environmental impact. The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources.

- G. **Facilities.** There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure and proximity to fire hydrants to provide for fire protection needs.
- H. **Parking.** Sufficient off-street parking shall be provided for the proposed use.

Section Two: Action. Pursuant to the findings stated in Section One of this Resolution, the Planning Commission recommends the Town Council approve the Aspen Skiing Company, Special Review application by Resolution. This recommendation is subject to the conditions in Section Three below.

Section Three: Conditions. The Applicant shall comply with and implement the following conditions for the PUD Amendment:

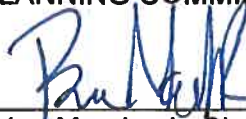
- (1) The Two Creeks Base Village tower location shall be moved outside of the manmade swale area to avoid encroaching within perceived wetland type grass and shrubbery species. The applicant shall work with planning staff to identify a more suitable location nearby. Upon determining a new location, the height of the tower shall be modified accordingly.
- (2) Each of the cell towers shall be the minimum height required to provide ample cell coverage as sought and in accordance with Table 1 in the submitted Special Review land use application.
- (3) The development shall not modify historic or existing drainage patterns.
- (4) Disturbed land shall be mitigated with a certified Pitkin County seed mix to assure substantial revegetation within one growing season of installation.
- (5) In the case of removed or damaged trees greater than 4" DBH, a like specimen shall be planted near the cell tower site at 1:1 ratio in a way that will help screen the installation.
- (6) The towers shall be non-reflective and applied with the selected patina *Copper Sulfate* as represented in the land use application submittal.
- (7) As part of the building permit submission for any of the cell tower locations, the applicant shall submit a landscape/screening plan to demonstrate best

efforts to shield the base equipment and cabinets from public view.

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

INTRODUCED, READ, AND APPROVED by the Planning Commission of the of the Town of Snowmass Village on August 2, 2023, upon a motion by Commission Member Dube, the second of Commission Member Seglin, and a vote of 3 in favor and 0 against.

TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION



Brian Marshack, Chair

ATTEST:

Virginia Baker
Virginia Baker, Planning Commission Secretary

Exhibits:

- A. Cell Tower Locations Map
- B. Cell Tower Simulation Graphic and Utility Cabinet (typical)



Broadband Vision Report

March 2, 2021

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1. Introduction

The Town of Snowmass Village (TOSV) is exploring the costs and benefits of various levels of involvement in the management of future telecommunications, smart city technologies, and possibly even municipal broadband options. The Town understands that it needs to create a long-term Vision to address the community's goals for advanced communication and smart city outcomes. Additionally, the Town understands that it is critical to understand community will and Town Council wants/needs. It also understands the importance of assessing local technology assets to determine how these assets can best be leveraged, as well as identifying available DOLA grants/other funding sources.

In July of 2020, Town leaders selected HR Green to complete a multi-phase project that included a Visioning Study. At the conclusion of the Visioning Study, the Town will have a high-level telecommunications master plan for the community and that it will be prepared to submit an application to DOLA to fund a full feasibility study to support implementation of necessary infrastructure.

This Visioning Study will help the community explore whether municipally operated retail broadband is a viable option for the community. Given the level of telecommunications activity in the region (e.g., Aspen, Project Thor, Council of Governments) and statewide, as well as Holy Cross Energy's initiative, Snowmass Village will have the option to be a stakeholder rather than creating a municipal broadband solution. This Visioning Study will help clarify the community's inclination.

During the Visioning Study, HR Green walked Town staff through the process to develop a vision of the future for planned Fiber and Commercial Broadband deployments. In general, communities considering broadband deployments typically share common objectives when considering an investment in a broadband network. In our experience, most communities have some or all of the following goals:

- Ubiquity
- Affordability
- Consumer choice
- Competition in the market
- Ownership and control of assets
- Performance
- Risk aversion
- Positive cash flow

Choosing which goals to prioritize can be challenging, as some of these objectives can be complementary, while others lie in strict opposition. Our work helped the Town surface these competing objectives and provided the staff with a sound footing upon which to base its future decisions.

On September 14, 2020, a Vision Working Session was conducted with the Town Council. Several weeks prior to the Session, a two-part Vision Exercise Survey (Part 1: Vision Survey and Part 2: Competing Values Survey) and supporting materials were shared with the members of the Town Council and the Town's leadership staff. We sincerely appreciated the successful efforts of each participant to review the supporting materials and complete the Survey.

The Agenda for the September 14, 2020, Vision Working Session included a project progress update that focused on the findings from Outreach Meetings with Town staff, anchor institutions, neighboring communities, and community partners. The Agenda also included a review of the Town Council Vision Survey findings, a review of Broadband Service Models, a review of the findings from the Competing Values Survey of Town Council, and a look at the project's next steps. The outcomes from the Session contributed to the recommendations listed at the end of this report.

2. Outreach Meetings

During August 2020, outreach meetings took place with Town stakeholders, anchor institutions, and businesses. The various goals of these meetings included identifying community expectations, evaluating existing infrastructure, and collaborating with neighboring communities and regional entities.

Outreach meetings were held with the following stakeholders:

Town Staff

- Town Attorney
- IT Manager
- Public Works Director
- Community Development Director
- Tourism Director
- Assistant Town Manager
- Project & GIS Manager

Anchor Institutions

- Aspen School District
- Pitkin County Regional Emergency Dispatch Center

Neighboring Communities

- City of Aspen
- Town of Carbondale
- Pitkin County

Businesses

- Aspen Skiing Company
- East West Partners

(Insert list of invitees that did not participate or respond here)

Key Findings

Here is a summary of some of the key findings from the outreach meetings.

- It is important to be able to deliver services from the entry into Snowmass Village up to and including the Ski Mountain.
- Our guests expect connectivity. A world-class guest service experience includes reliable internet.
- Improving coverage in areas that do not have good connections should be a priority.
- Options for service should be encouraged to help costs stay competitive.
- Access to internet services is crucial to our tourism industry in both the summer and the winter.
- Reliable and resilient broadband infrastructure would provide service to educational, health care, and public safety agencies who rely on this service to serve the community.
- Backhaul of cellular signals is a growing concern particularly as small cells and 5G are implemented, which drives the need to improve fiber infrastructure.
- Need a “plan” that does not compromise the core values of the community.
- Broadband speeds are a growing concern for businesses, residents, students, and people working from home (made even worse during the pandemic).
- It is extremely important to understand the impacts of wireless services.
- Current cable and telephone services in the Town are overwhelmed with the demand placed on their networks, especially during peak seasons and events.

- Town would like to have its own fiber / conduit infrastructure to interconnect its facilities and to potentially lease to providers for interconnecting their facilities.
- Town needs a colocation or dig once policy.

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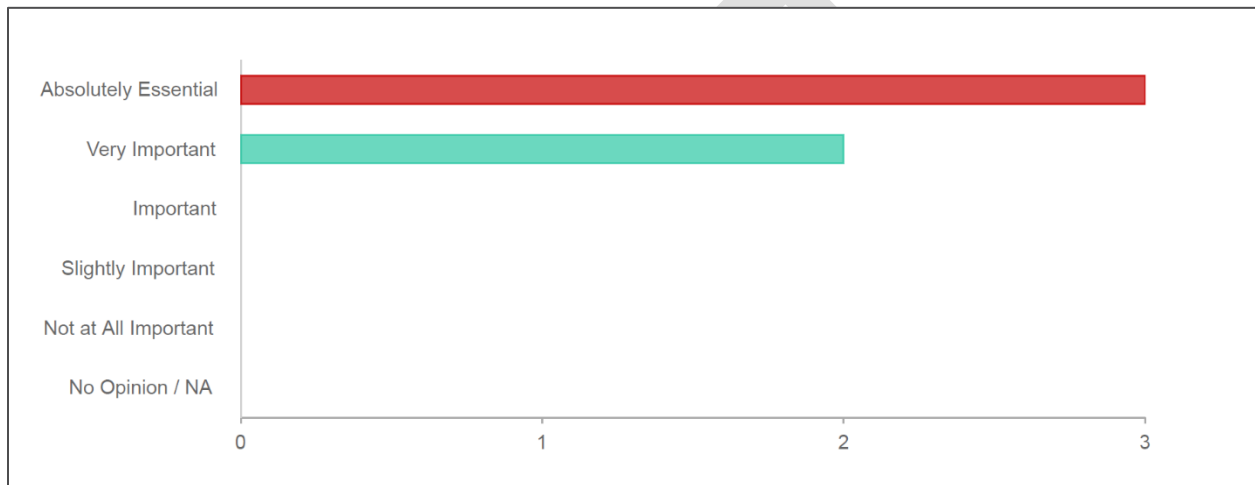
3. Vision Survey

Prior to the September 14, 2020 Town Council Vision Working Session, HR Green developed and sent to all five Council Members a two-part Vision Exercise Survey and supporting materials. The first part of the Vision Exercise Survey, the Vision Survey, included questions about the level of importance Council would rate statements regarding high-speed internet and cell phone coverage in the Town.

Questions and Key Findings

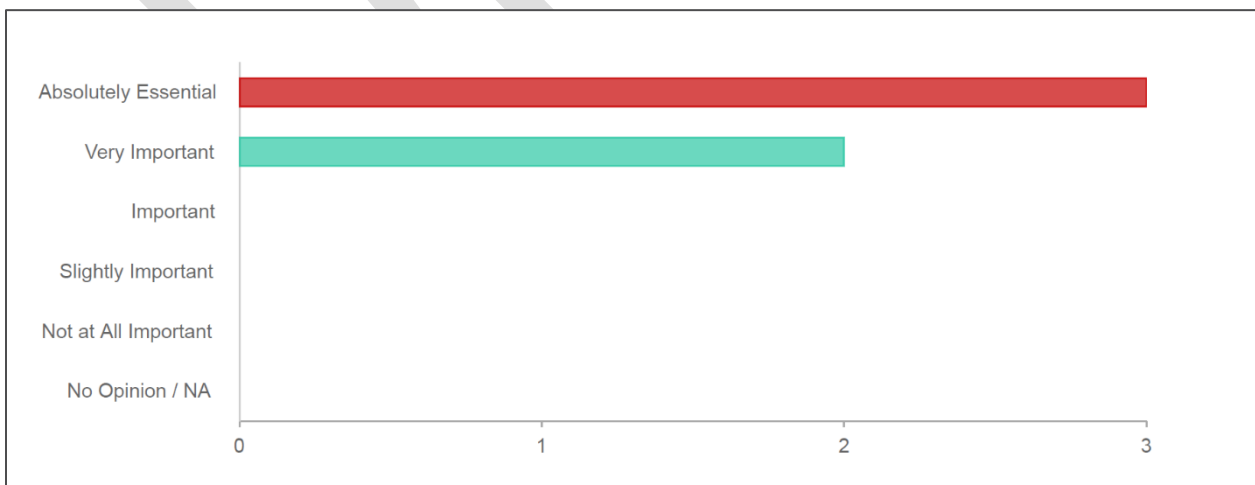
Here are the Vision Survey questions and responses (key findings) from the five members of the Town Council.

Question 1: Please indicate the level of importance that Snowmass Village residents, guests, and businesses have access to high-speed internet.



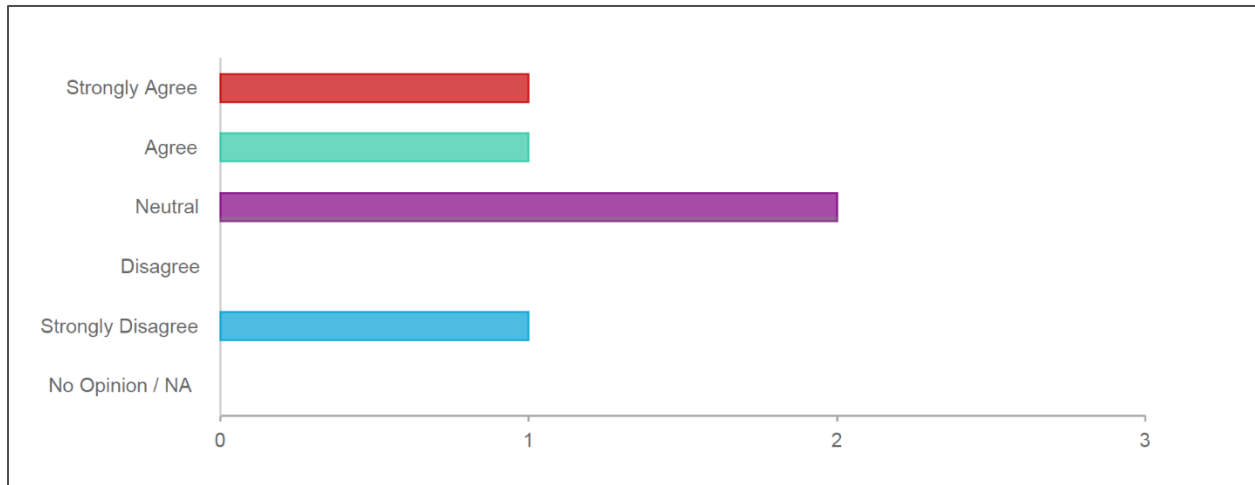
Question 1 Findings: The survey results indicate that Council views that access to high-speed internet is essential to the Town.

Question 2: Please indicate the level of importance of high-speed internet options in Snowmass Village are accessible and affordable to all.



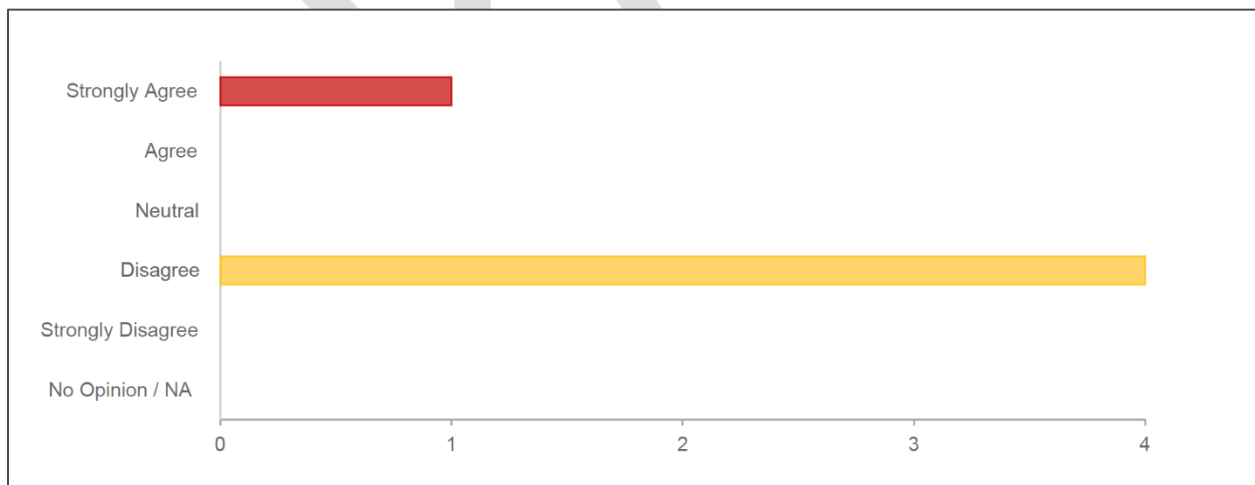
Question 2 Findings: The survey results indicate that Council views that it is essential to the Town that high-speed internet options in Snowmass Village are accessible and affordable to all.

Question 3: Current cell phone coverage is adequate in the core of Snowmass Village.



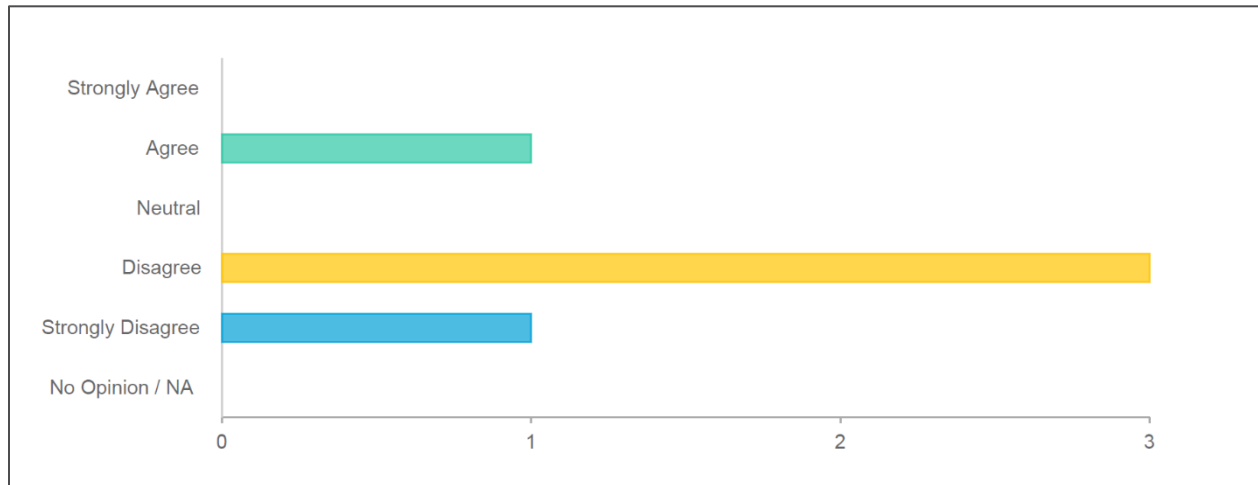
Question 3 Findings: The survey results indicate that Council has various views regarding the cell phone coverage in the core of Town. When asked about this feedback, Council members that live closer to the downtown area felt they had adequate coverage, but those that live further away from the downtown area did not feel that way.

Question 4: Cell phone coverage is adequate in the residential areas of Snowmass Village.



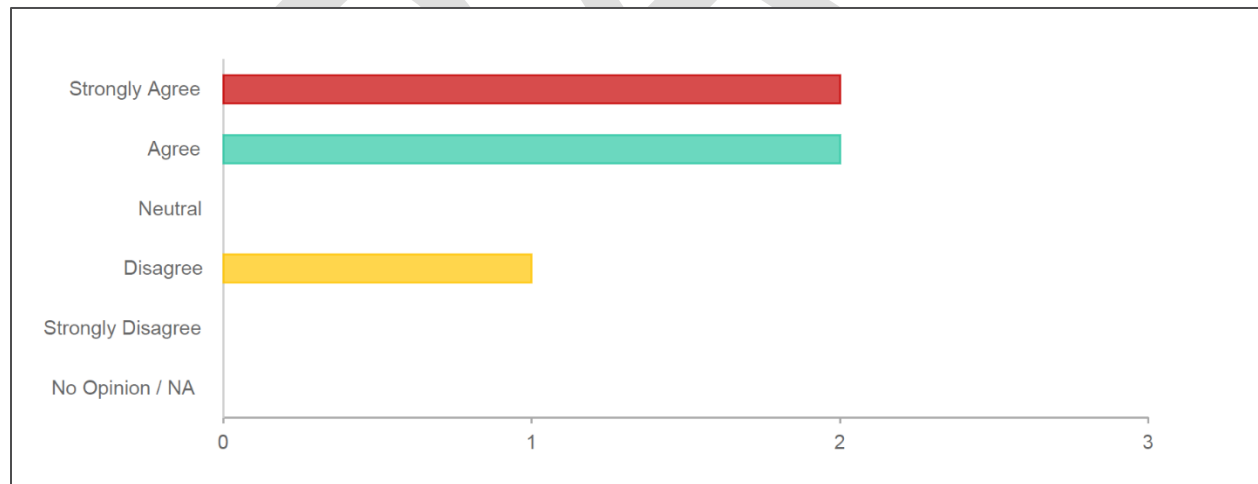
Question 4 Findings: The survey results indicate that 4 out of 5 Council members do not feel that there is adequate cell phone coverage in the residential areas of Snowmass Village.

Question 5: Cell phone coverage is adequate on Snowmass Mountain and in remote recreation areas in Snowmass Village.



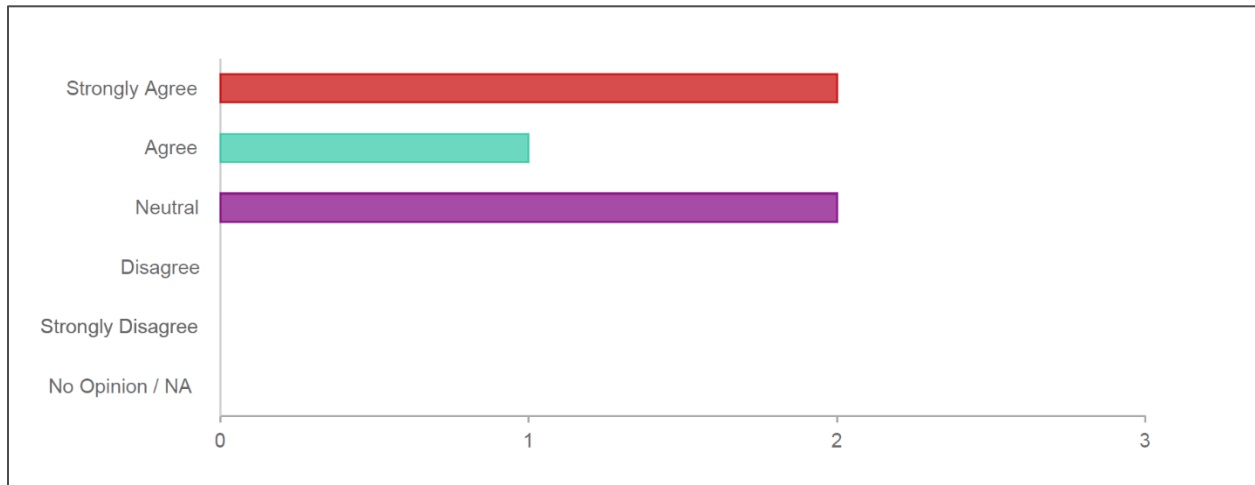
Question 5 Findings: The survey results indicate that 4 out of 5 Council members do not feel that there is adequate Cell phone coverage on Snowmass Mountain and in remote recreation areas in Snowmass Village.

Question 6: Broadband infrastructure and cell phone equipment should not be highly visible in Snowmass Village.



Question 6 Findings: The survey results indicate that 4 out of 5 Council Members agree that broadband infrastructure and cell phone equipment should not be highly visible in Snowmass Village.

Question 7: The Town should encourage and/or enable the deployment of internet and telecommunication services in Snowmass Village.



Question 7 Findings: The survey results indicate that 3 out of 5 Council Members agree that the Town should encourage and/or enable the deployment of internet and telecommunication services in Snowmass Village.

Question 8: What do you see as the biggest opportunities for Snowmass Village to enhance internet and communication services? And why?

Question 8: Responses (Findings)

The biggest opportunity is to create a system to attract visitors and part time residents to the town who can stay longer in town because they have fast internet connections to their home or work. Increasing the length of stay and generating more revenue for the town.

I think this project is too large for a town the size of TOSV. It would require taxpayer approval for bonding. Unlikely in today's environment.

Most people have moved away from land lines and are more reliant on cell coverage and we need to make sure we can provide adequate service to the various areas of the village. Also, strong internet and communication services will make it easier for people to spend time here because connection is not an issue. It is hard to attract visitors for longer periods of time when it is not easy for them to connect to work, etc.

Improve productivity for those running their own businesses, as well as commercial businesses. Once available, major marketing opportunities for resort in promoting our product, such as group sales.

Allow state of the art facilities but not to the point of creating clutter.

Question 9: What are your biggest concerns for Snowmass Village in regards to the future of broadband internet and telecommunication services? And why?

Question 9: Responses (Findings)

While more and more people get rid of their land lines and only use cellular service it is very important to have good coverage in all areas of the village. However, I am very concerned about 5G and the potential health impacts. This should be a very important consideration. As we have seen with COVID, more and more people need to be able to connect wherever they are and while I agree that this is extremely important, we also need to better understand the impacts of such service.

Too many cell sites cluttering up streets.

The largest concern is for unregulated growth of the technologies. TOSV needs a standardized repeatable system in place before these technologies go from infancy to full blown necessity.

Safety. Some health studies report impact of potential radiation.

Like much of the infrastructure in TOSV, we overbuild so that at peak population (winter and summer guest seasons) our infrastructure can handle the crowds then when they leave the infrastructure is not representative of a small mountain town. Where will competition come from? We are a small community. Without competition how can we keep rates affordable? By owning the assets, the municipality is put in a position to upgrade equipment as the industry evolves. This requires additional personnel to keep up with changes and additional reserves. How quickly is the industry evolving?

4. Broadband Service Models

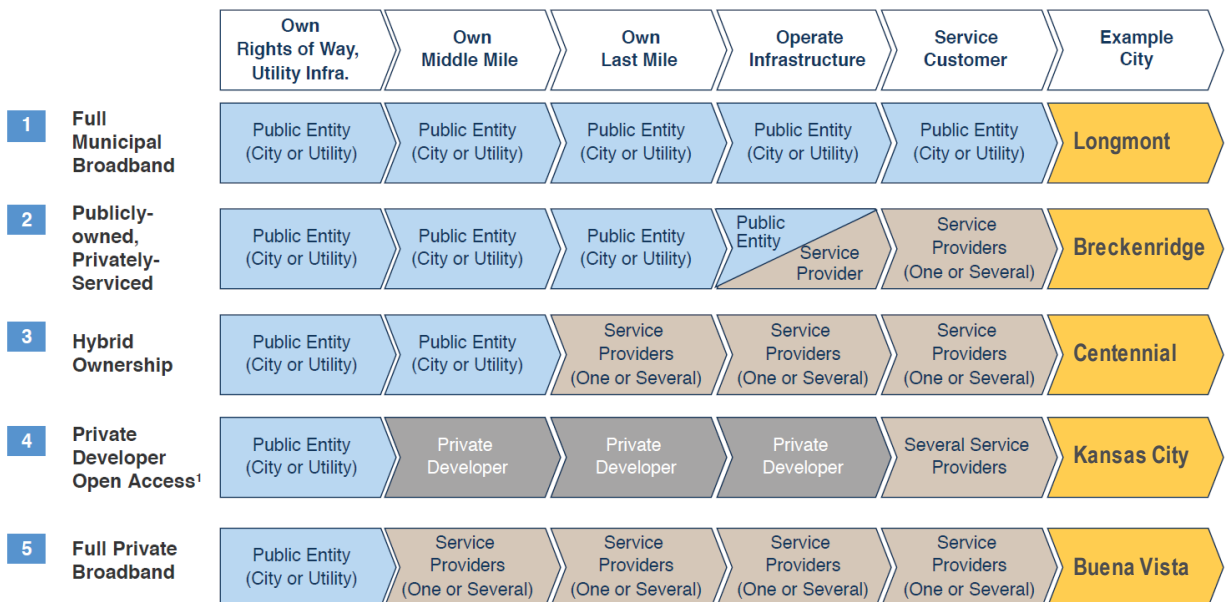
During the Vision Working Session with Town Council on September 14, 2020, various Broadband Service Models based on the following information were discussed. Please note that the following information about Broadband Services Models was included in the Vision Exercise Survey materials that were shared with the Town Council prior to the Vision Working Session.

The following information is from a guide created by *US Ignite* in July of 2020 for communities considering ways to expand broadband service. The guide, titled **Broadband Models for Unserved and Underserved Communities**, includes models for fully private and fully public broadband networks, but also covers a growing range of municipally enabled broadband strategies that rely on a combination of public and private investment. It is intended to help communities understand how much capital is needed for different models of deployment, what returns to expect, and finally how to avoid the most common pitfalls.

Five Models

There are several models for fully private and fully public broadband networks, plus a growing range of municipally enabled broadband strategies that rely on a combination of public and private investment. Despite the many ways that municipalities have gone about implementing their broadband programs, there are five main ways to do it, each requiring a different level of investment and engagement from the municipality. The five models are shown in the following chart.

City Main Business Model Options for Broadband Expansion



Note: 1) Private Developer is defined as private company that builds, owns and operates the network infrastructure and offers open access to it to several retail SPs that provide service on the top

Four Key Factors

Generally, there are four key factors that municipalities should consider when making decisions on which municipal broadband model to pursue:

Key Decision Factors	Options	Definition	Impact on Town Decision
Capital Availability	Good Access to Capital / Funding	There are sufficient financing sources to fund a significant part of the build	Good capital availability should push the municipality to own / fund a larger part of the project without bringing in private ISPs
	Poor Access to Capital / Funding	There is limited capital / funding availability, so seeking commercial capital will be required to fund the build	
Existing Infrastructure	Good Existing Infrastructure / Capabilities	There is an existing public utility with conduit / infrastructure and operating capabilities	Presence of existing infrastructure and/or capabilities should push the municipality to take more control over the project, which provides a "bargaining" chip with ISPs
	Poor Existing Infrastructure / Capabilities	There is no existing utility or there is, but infrastructure and operating capabilities are poor	
Partnership Options	Viable ISP Partner(s)	The municipality has attractive demographics or a good value proposition for a third-party ISP	Lack of viable ISP partnerships limits the municipality's options to those models that require a significant involvement from the ISP
	No Partner Options	The municipality is too small, too remote, or otherwise unattractive for a third-party ISP	
Objective and Risk Tolerance	Community Benefit	Using the broadband infrastructure to create innovation and benefit the community in non-financial ways	Strong public support towards anchoring the project around community benefits should push the municipality to seek more control / ownership over the infrastructure
	Meeting Financial Goals (High Risk)	Using the broadband infrastructure to meet measurable financial goals while maximizing broadband availability	Focusing on meeting financial goals / targets should push the municipality to more predictable financial models (e.g., third-party driven)
	Meeting Financial Goals (Low Risk)		

Decision Tree

Depending on where municipalities fall on the criteria for the four key factors, there may be a business model that is a more optimal choice for them. To steer municipalities in the right direction the choices have been distilled into the following decision tree that could help communities to develop the best strategy.

Capital Availability	Existing Infrastructure	Partnership Options	Objective and Risk Tolerance	Optimal Business Model	
Good Access to Capital / Funding	Good Existing Infrastructure / Capabilities	Viable ISP Partner(s)	Community Benefits	Full Municipal Broadband – maximizes community benefits when capital / infrastructure are available	1
			Meeting Financial Goals	Publicly-owned, Privately Serviced – reduces risk when full control over service not as important	2
		No Partner Options	Community Benefits	Full Municipal Broadband – maximizes community benefits when capital / infrastructure are available	1
			Meeting Financial Goals	Full Municipal Broadband – is the only option when no ISPs will partner	1
	Limited Existing Infrastructure / Capabilities	Viable ISP Partner(s)	Community Benefits	Publicly-owned, Privately Serviced – reduces risk in absence of operational capabilities	2
			Meeting Financial Goals, High Risk	Publicly-owned, Privately Serviced – maximizes return potential while leveraging ISP partnership	2
			Meeting Financial Goals, Low Risk	Private Developer Open Access – limits risk to the municipality but maximizes chances of success w/ISP partner	4
		No Partner Options	Community Benefits	Full Municipal Broadband – is the only option when no ISPs will partner but there's capital	1
			Meeting Financial Goals		
Limited Access to Capital / Funding	Good Existing Infrastructure / Capabilities	Does not matter		Hybrid Ownership – hybrid models are optimal when capital is limited but there's existing infrastructure, regardless of other factors	3
	Limited Existing Infrastructure / Capabilities	Viable ISP Partner(s)	Community Benefits	Private Developer Open Access – maximizes municipal control in light of limited funding / infrastructure	4
			Meeting Financial Goals	Full Private Broadband – maximizes chances of success while ensuring goals are met	5
		No Partner Options	Does not matter	Limited options, have to go back and seek more capital, likely government funding / subsidies	

While a decision tree like this may suggest that picking a business model is easy, it is quite the contrary. A decision tree is a good “rule of thumb”; however, there are unique circumstances that each municipality faces and doing a thorough diligence across all potential options should always be the starting point. To do that analysis accurately, a municipality first needs to understand how much capital is required and what the financial returns of the program may be.

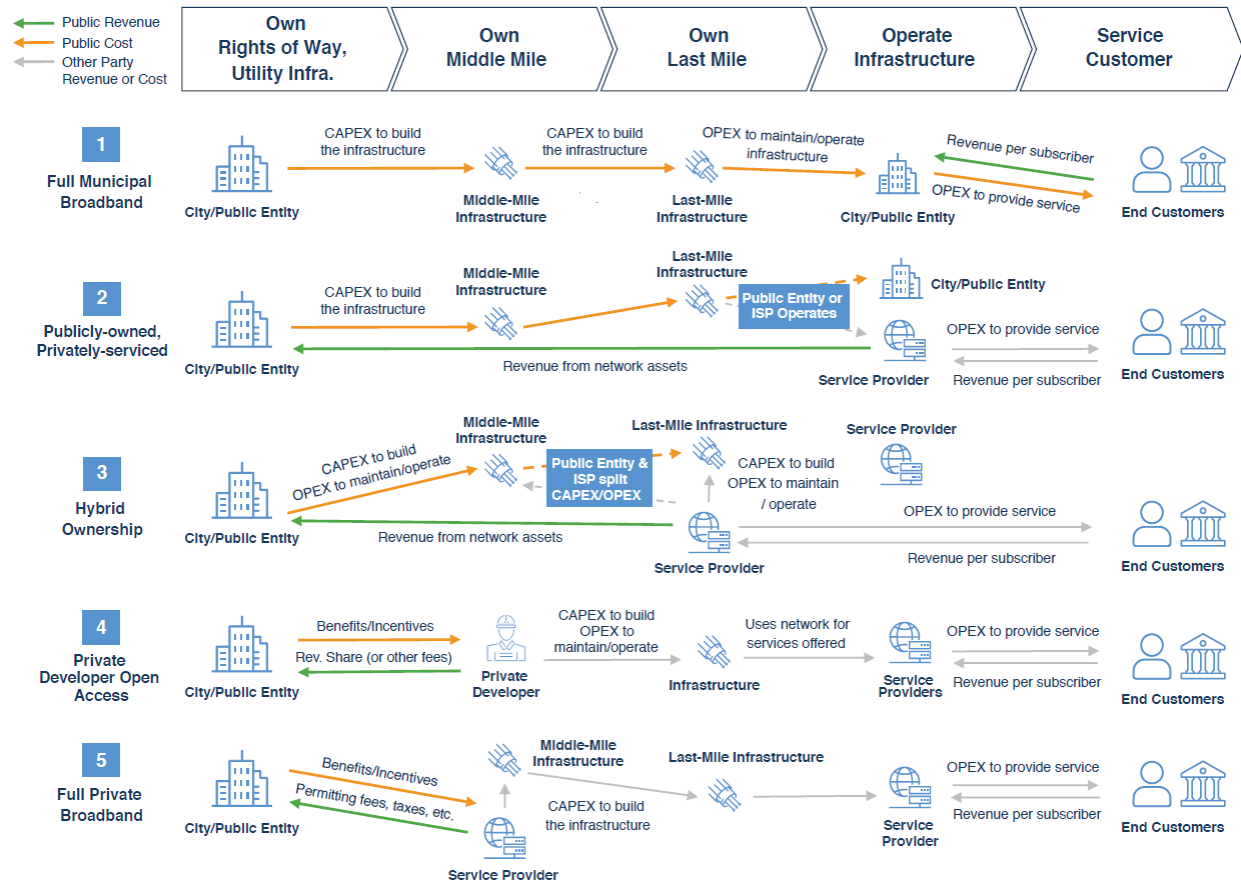
Financial Considerations

Municipal broadband programs are long-term investments, and these projects can take up to five to ten years to complete. Fiber is a resilient and future-proof piece of telecom infrastructure, but it is also expensive to deploy. This means investment in fiber is hardly a “no-brainer” for all municipalities. Those looking to invest to close the digital divide in their communities should prepare for payback periods of 15+ years, particularly across smaller and/or rural communities. These paybacks have often deterred interest from the private sector and make careful planning and business analysis critically important for any municipal broadband program.

The capital expenditures (CAPEX) associated with building a fiber-to-the-home network include a range of fixed and variable costs. These include the cost of laying the initial network infrastructure, which could range from \$500 to \$4,000 per home largely depending on the density of the municipality, as well incremental costs to connect each customer. Costs to connect each customer can include the cable drop to the home, the modem at the home, and the labor cost of the installation. Those could add up to \$1,000 for each incremental customer. All-in, capital requirements for a broadband program in a municipality with 100,000 residents could end up around \$150M.

Operating costs can vary greatly as well, and those depend on experience and efficiency of the broadband provider, number of synergies with the core municipal staff (if any), and types of services delivered to the customers. Municipalities that want or need to offer TV to its residents must prepare for lower margins given high and rising content costs (although this can be mitigated with Over-The-Top offers). We see municipalities most often budgeting between \$40 and \$100 of OPEX monthly for each residential subscriber they sign up.

Not all municipalities will have to cover all these costs. Those that bring in a private ISP or developer to help service the customers and/or build the network can split operating costs, capital costs, or both with that third party. In return they would most typically offer free or low-cost access to municipal infrastructure, fixed payments, or some variable revenue share typically tied to the number of subscribers in the municipal broadband program.



In addition to impacting share of required costs, the business model also dictates the amount of revenue that municipalities can generate from the program. On the high-end, municipalities that deploy and operate Full Municipal Broadband themselves could generate direct revenues of up to \$140 per residential customer every month, without considering additional revenue streams from businesses and other anchor institutions. On the low-end, municipalities that choose Full Private Broadband models would generate limited revenues, aside from permitting and tax fees, which could even be waived in many cases to entice private engagement.

It should be clear by the broad ranges quoted above that the financial performance varies greatly not only by the model, but even from municipality to municipality. Using an “average” set of assumptions for a municipality of 100K residents, typical IRRs can be between 9% and 16% for Models 1 and 2, with a significant amount of capital required but also significant cash flow potential once the program is mature. Municipalities that are not ready to take on this amount of risk could pursue hybrid models or fully give up network ownership to third parties – those investments will be relatively low risk, result in high IRRs but also (typically) more limited cash flow upside.

While financial performance varies from municipality to municipality, the inability to budget appropriately is a main reason some programs fail, reinforcing the need to develop a detailed business case as the first step in any municipality’s implementation plan.

Four Key Challenges

There are four key challenges common to most municipalities pursuing a municipal broadband program: in addition to poor budgeting, some choose the wrong business model due to a “one-size-fits-all” mentality, struggle to secure adequate funding, or fail to maximize their program’s value.

1. **Budgeting:** Detailed budgeting is critical to success. A detailed analysis—including designing a full network plan—is essential during the planning phase. It is also important not to overlook any major sources of costs. Those most typically include labor for delivering the service, managing and maintaining the network, but also costs to support any debt and interest payments. As costs increase, it is also important to be clear-eyed and consider private sector involvement; many private ISPs have much lower operating costs due to their scale and experience, while having private developers build and operate the network can significantly reduce the cost associated with network operations and maintenance.
2. **Funding:** Especially when the total budget is high, securing the right funding may become a roadblock. More “traditional” funding options include soliciting contributions from anchor institutions, selling bonds, enlisting local utility involvement, securing federal and state grants, or asking private partners to co-fund the builds. When those are not an option and/or are not enough, municipalities often get creative. For example, some had their residents contribute money to the program, by either paying for several months of service upfront, or pooling money across neighborhoods and buying bonds from the municipality. Creative approaches like this may work for certain municipalities when securing more traditional funding is not an option.
3. **Diligence:** Even when budgets are finalized and capital secured, it is also tempting to just copy a “success story” from another municipality. Skipping the diligence on evaluating which business model to pursue, however, can lead municipalities down the wrong path. There are numerous examples of municipalities ultimately having to pivot from the initially selected business model because they “dove-in” too quickly.
4. **Related Benefits:** Lastly, when the path is chosen and business model is selected, municipalities should think holistically about how else they can use the program to serve their communities and ensure the network has the architecture to support that plan. For example, while residential service is often the primary motivation, municipalities should not forget about enabling internet access to the commercial sector, which can spur job and value creation. Additionally, while few municipalities have thus far used their municipal fiber to enable “Smart City” solutions, these solutions can spread digital literacy to more residents. And, while the municipality’s focus has been on fiber services thus far, there are also scenarios where mobile or fixed wireless broadband are more appropriate for last mile connectivity. Communities should consider where fiber investment is valuable and how it can be tied to other network technologies as needed.

While these challenges are common regardless of the selected business model, Municipalities pursuing models with more municipal involvement are more prone to many of these. To maximize chances of success, special attention should be paid to budgeting and costing, and revenue generation should be prioritized and accelerated to the extent possible. For example, targeting the densest business and residential areas first or starting with commercial-only services is one way to generate a steady inflow of cash to help cover program costs.

Working with the private sector avoids many of the budgeting and costing issues mentioned above, but it brings about a different set of challenges. First, attracting the attention of private ISPs, particularly for smaller municipalities, could be a challenge. Municipalities should be persistent in soliciting private engagement and think creatively about how to entice private cooperation. For example, streamlining permitting and rights-of-way, enabling access to backhaul and middle mile infrastructure (if such exists or can be leased), becoming the anchor institution for the private ISP, or co-sponsoring an “Open Access” network and enlisting a private developer to sign up the ISPs (Model #4) all can improve chances of finding a partner. Once a partner is identified, it is also important to clearly define rules and goals for the program to maintain some degree of control and ensure municipal objectives are met. This is especially true for the “Open Access” programs which require participation of a private developer and one or several ISP partners. These models have been relatively rare in the U.S., but “Open Access” has proven successful in Europe and should be considered as an option for any municipality considering a municipal broadband program today, particularly as it strikes a good balance between providing a municipality the control it needs while also de-risking the investment and operations.

5. Competing Values Survey

During a Vision Study, governing bodies are sometimes confronted with difficult choices regarding competing values. In order to better understand elected official's feelings on these topics the last part of the survey asked questions of Council members regarding competing values for community broadband networks.

Communities considering broadband deployments typically share common objectives when considering an investment in a broadband network. Most communities have some or all of the following goals:

- Ubiquity
- Affordability
- Consumer choice
- Competition in the market
- Ownership and control of assets
- Performance
- Risk aversion
- Positive cash flow

Choosing which goals to prioritize can be challenging, as some of these objectives can be complementary, while others lie in strict opposition. The survey should surface these competing objectives and should provide the staff with a sound footing upon which to base its future decisions.

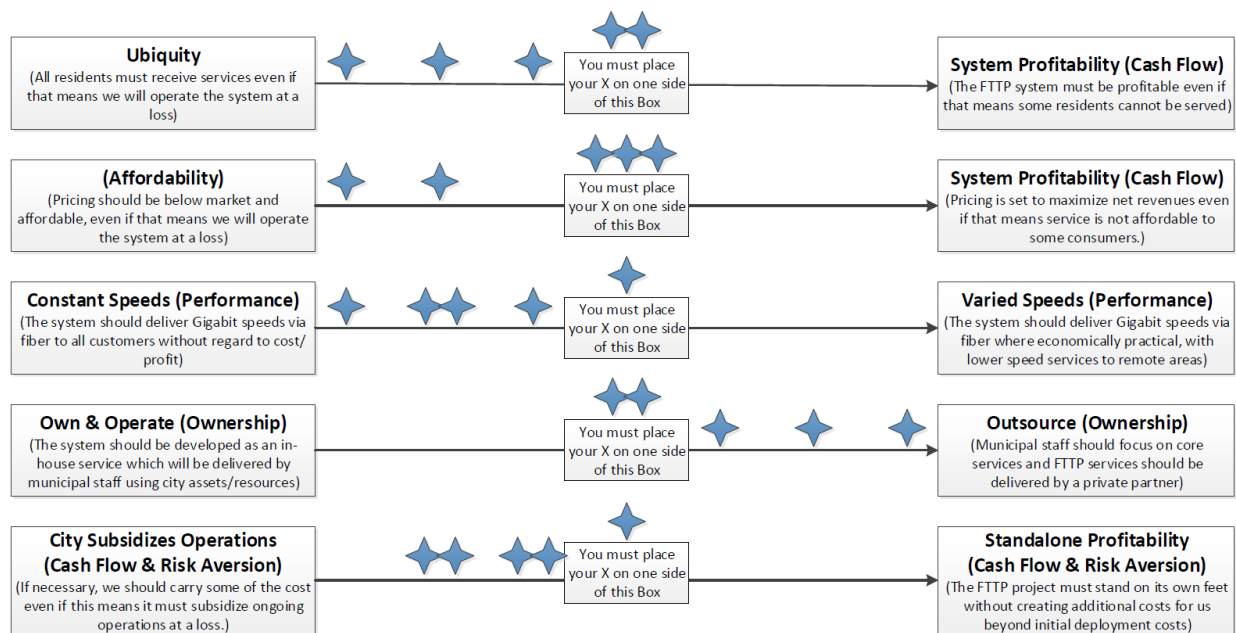
Prior to the September 14, 2020 Town Council Vision Working Session, HR Green developed and sent to all five Council Members a Vision Exercise Survey and supporting materials. The second part of the Vision Exercise Survey included a Competing Values Survey. The following table was included in the Competing Values Survey materials for the Council members as a tool to help them weigh Ubiquity and Financial Viability and Risk and Complexity. As shown on the table, one objective may have no impact on another (NI), objectives may align (A), or they may conflict (C).

	Ubiquity	Choice	Competition	Ownership	Performance	Affordability	Risk Aversion	Cash Flow
Ubiquity		A	A	A	NI	C	C	C
Choice	A		A	A	A	A	C	NI
Competition	A	A		A	A	A	C	NI
Ownership	A	A	A		A	A	A	C
Performance	NI	A	A	A		NI	A	A
Affordability	C	A	A	A	NI		C	C
Risk Aversion	C	C	C	A	A	C		A
Cash Flow	C	NI	NI	C	A	C	A	

Key Findings

The following chart shows the survey results from the Council members regarding competing values. For each of the paired values an ♦ indicator has been placed between the two competing priorities at the point which most closely matches the beliefs shared by each Council member in the survey. An indicator near the terminal arrow indicates a strong preference for one competing value over its pair, while an indicator near the middle represents a preference but still considering aspects of the competing value.

Competing Values Framework for Broadband Networks



Ubiquity – Service Is Brought to All Areas of a Community – Council members have indicated they feel that ubiquity - which refers to designing and building the network so that it connects every residence, business, and institution in the community - is a key objective.

Affordability – Service Can Be Purchased by Citizens at All Income Levels - Council members indicated that they either support or are neutral about Affordability as a key objective. While this objective is certainly more important for vulnerable portions of the community, affordability is often a necessary objective for localities and cooperatives. Communities may prioritize affordability in an effort to ensure that entrepreneurs and tech startups in its service area can afford the robust connectivity necessary to support their business endeavors.

Constant Speeds (Performance) - The system should deliver Gigabit speeds via fiber to all customers without regard to cost/profit - Council members have indicated they feel that Constant Speeds is a key objective. The Town may find that its fiber to the premise (FTTP) endeavor will struggle and be more prone to failure if it attempts to compete with incumbent providers by offering services similar to existing packages. Instead, it is prudent to recognize gaps in the existing broadband market and seek to fill those with a unique service offering that incumbents are not currently able to provide. A 1 Gbps service that is expandable to 10 Gbps and beyond may be the differentiator the Town needs to stand out.

Outsource (Ownership) - Municipal staff should focus on core services and FTTP services should be delivered by a private partner - Council members have indicated they feel that Outsourcing services is a key objective. The Town may choose to oversee and maintain the network and rely on a private partner to deliver retail services. The Town may also be able to govern price points to support consumer affordability and service speeds to enhance performance. And because the Town would own the network, it would be in control of performance.

City Subsidizes Operations (Cash Flow & Risk Aversion) - If necessary, the Town should carry some of the cost even if this means it must subsidize ongoing operations at a loss - Council members have indicated they feel that City Subsidizing Operations is a key objective. If the Town decides to subsidize services directly, it may find that prioritizing risk aversion and attaining positive cash flow become more difficult. The more debt and responsibility the Town takes on, the higher its risk and the longer it will take for the FTTP network to be cash-flow positive.

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6. Vision Working Session

On September 14, 2020, a Vision Working Session was conducted with the Town Council. The outcomes from this Session are reflected in the Recommendations in **Chapter 7** of this Report.

The following is a list of the Session agenda items and highlights of the discussions that took place for each of the agenda items.

Review Existing Infrastructure

- Reviewed the map of the Town's existing streetlight infrastructure.
- Reviewed the map of the Holy Cross Energy's (HCE) infrastructure within the Town. The review included a discussion about a potential new fiber optic cable connection from Highway 82 to HCE's substation located within the Town Limits. Part of the discussion focused on the possibility that this connection could become part of partnership between the Town and HCE, if the Town decides to build some form of a community broadband network.

Review Outreach Meeting Findings

The following feedback from the Outreach Meetings was discussed. Please see **Chapter 2** of this Report for additional information and feedback from the Outreach Meetings.

Feedback
• Problems with cellular service in Town, inside buildings, and on the mountains.
• Potential public safety concerns due to poor wireless coverage in some areas.
• Economic Development is not a driving force behind improved wireless services.
• Topography, aesthetics, and protecting the views are major concerns.
• Backhaul of cellular signals is a growing concern particularly as small cells and 5G are implemented, which drives the need to improve fiber infrastructure.
• Broadband speed concerns for businesses, residents, students, and people working from home (made even worse during the pandemic).
• Need a "plan" that does not compromise the core values of the community.

Review Vision Survey Findings

The following findings from the Vision Survey were discussed. Please see **Chapter 3** of this Report for additional information and findings from the Vision Survey.

- The survey results indicate that Council views that access to high-speed internet is essential to the Town.
- The survey results indicate that Council views that it is essential to the Town that high-speed internet options in Snowmass Village are accessible and affordable to all.

- The survey results indicate that Council has various views regarding the cell phone coverage in the core of Town. When asked about this feedback, Council members that live closer to the downtown are felt they had adequate coverage, but those that live further away from the downtown area did not feel that way.
- The survey results indicate that 4 out of 5 Council members do not feel that there is adequate cell phone coverage in the residential areas of Snowmass Village.
- The survey results indicate that 4 out of 5 Council members do not feel that there is adequate Cell phone coverage on Snowmass Mountain and in remote recreation areas in Snowmass Village.
- The survey results indicate that 4 out of 5 Council Members agree that broadband infrastructure and cell phone equipment should not be highly visible in Snowmass Village.
- The survey results indicate that 3 out of 5 Council Members agree that the Town should encourage and/or enable the deployment of internet and telecommunication services in Snowmass Village.
- What does Council see as the biggest opportunities for Snowmass Village to enhance internet and communication services? And why?

Responses (Findings)

The biggest opportunity is to create a system to attract visitors and part time residents to the town who can stay longer in town because they have fast internet connections to their home or work. Increasing the length of stay and generating more revenue for the town.

I think this project is too large for a town the size of TOSV. It would require taxpayer approval for bonding. Unlikely in today's environment.

Most people have moved away from land lines and are more reliant on cell coverage and we need to make sure we can provide adequate service to the various areas of the village. Also, strong internet and communication services will make it easier for people to spend time here because connection is not an issue. It is hard to attract visitors for longer periods of time when it is not easy for them to connect to work, etc.

Improve productivity for those running their own businesses, as well as commercial businesses. Once available, major marketing opportunities for resort in promoting our product, such as group sales.

Allow state of the art facilities but not to the point of creating clutter.

- What are Council's biggest concerns for Snowmass Village in regards to the future of broadband internet and telecommunication services? And why?

Responses (Findings)

While more and more people get rid of their land lines and only use cellular service it is very important to have good coverage in all areas of the village. However, I am very concerned about 5G and the potential health impacts. This should be a very important consideration. As we have seen with COVID, more and more people need to be able to connect wherever they are and while I agree that this is extremely important, we also need to better understand the impacts of such service.

Too many cell sites cluttering up streets.

Responses (Findings)

The largest concern is for unregulated growth of the technologies. TOSV needs a standardized repeatable system in place before these technologies go from infancy to full blown necessity.

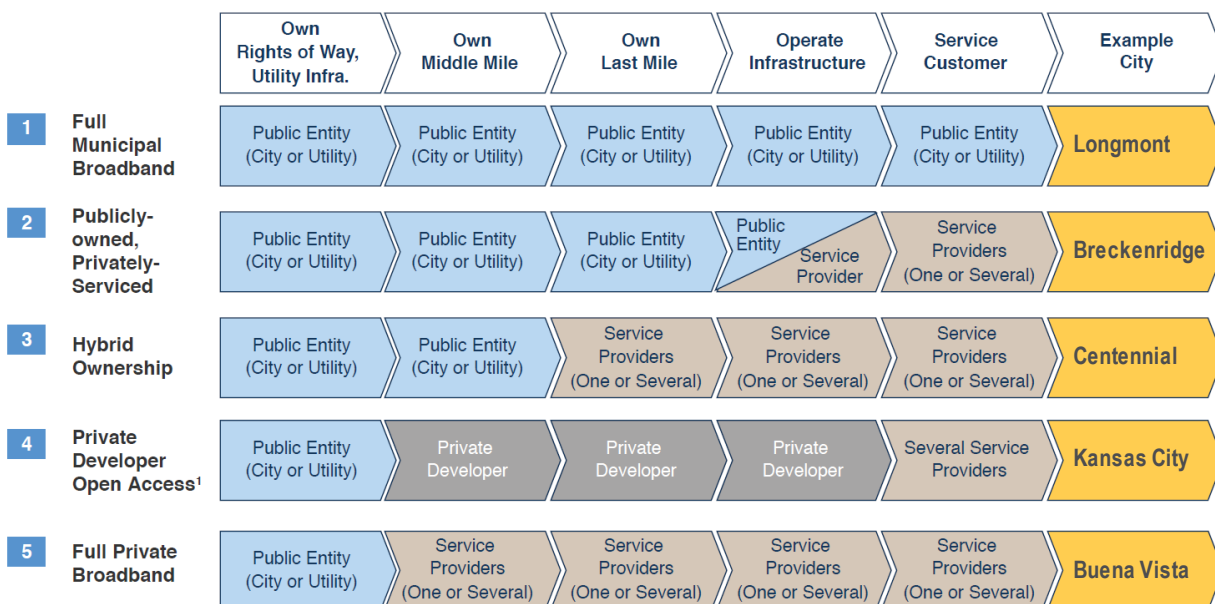
Safety. Some health studies report impact of potential radiation.

Like much of the infrastructure in TOSV, we overbuild so that at peak population (winter and summer guest seasons) our infrastructure can handle the crowds then when they leave the infrastructure is not representative of a small mountain town. Where will competition come from? We are a small community. Without competition how can we keep rates affordable? By owning the assets, the municipality is put in a position to upgrade equipment as the industry evolves. This requires additional personnel to keep up with changes and additional reserves. How quickly is the industry evolving?

Review Broadband Service Models

The five broadband service models shown in the following chart were discussed. Please see **Chapter 4** of this Report for additional information about these broadband service models.

City Main Business Model Options for Broadband Expansion

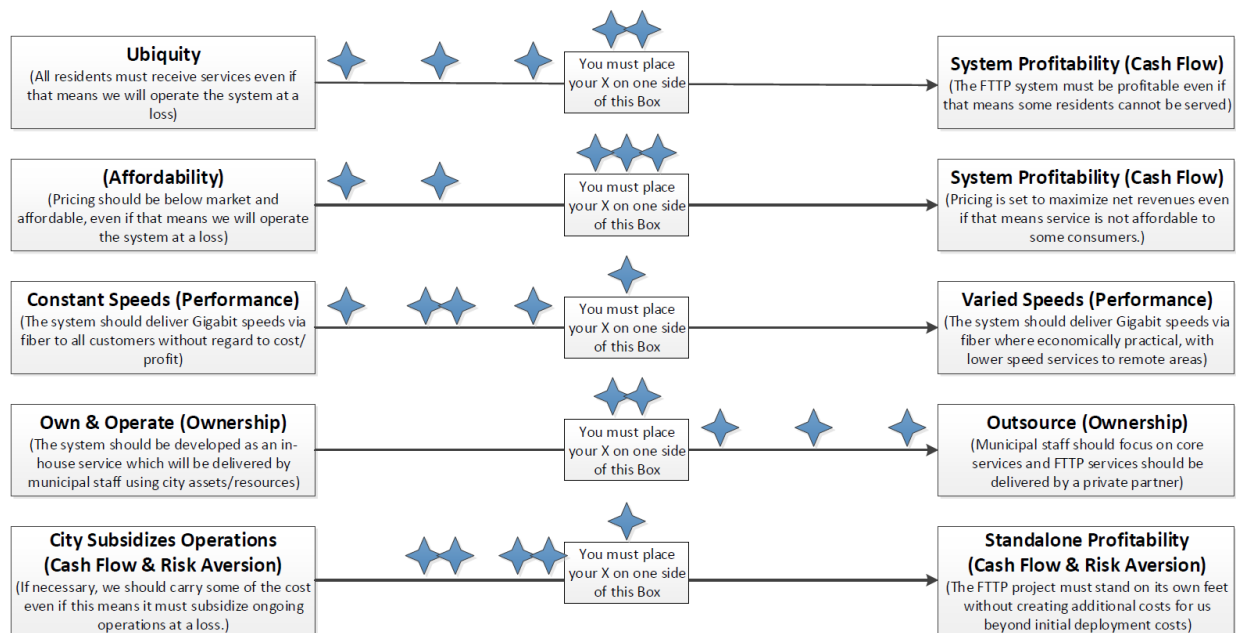


Note: 1) Private Developer is defined as private company that builds, owns and operates the network infrastructure and offers open access to it to several retail SPs that provide service on the top

Review Competing Values Survey Findings

The following chart that reflects the feedback provided by the Town Council via the Competing Values Survey was discussed. Please see **Chapter 5** of this Report for additional information about the Competing Values Survey.

Competing Values Framework for Broadband Networks



The following summary of Town Council's broadband network key objectives were discussed.

- **Ubiquity** – Service Is Brought to All Areas of a Community – Council members have indicated they feel that ubiquity - which refers to designing and building the network so that it connects every residence, business, and institution in the community - is a key objective.
- **Affordability** – Service Can Be Purchased by Citizens at All Income Levels - Council members indicated that they either support or are neutral about Affordability as a key objective. While this objective is certainly more important for vulnerable portions of the community, affordability is often a necessary objective for localities and cooperatives. Communities may prioritize affordability in an effort to ensure that entrepreneurs and tech startups in its service area can afford the robust connectivity necessary to support their business endeavors.
- **Constant Speeds (Performance)** - The system should deliver Gigabit speeds via fiber to all customers without regard to cost/profit - Council members have indicated they feel that Constant Speeds is a key objective. The Town may find that its fiber to the premise (FTTP) endeavor will struggle and be more prone to failure if it attempts to compete with incumbent providers by offering services similar to existing packages. Instead, it is prudent to recognize gaps in the existing broadband market and seek to fill those with a unique service offering that incumbents are not currently able to provide. A 1 Gbps service that is expandable to 10 Gbps and beyond may be the differentiator the Town needs to stand out.

- **Outsource (Ownership)** - Municipal staff should focus on core services and FTTP services should be delivered by a private partner - Council members have indicated they feel that Outsourcing services is a key objective. The Town may choose to oversee and maintain the network and rely on a private partner to deliver retail services. The Town may also be able to govern price points to support consumer affordability and service speeds to enhance performance. And because the Town would own the network, it would be in control of performance.
- **City Subsidizes Operations (Cash Flow & Risk Aversion)** - If necessary, the Town should carry some of the cost even if this means it must subsidize ongoing operations at a loss - Council members have indicated they feel that City Subsidizing Operations is a key objective. If the Town decides to subsidize services directly, it may find that prioritizing risk aversion and attaining positive cash flow become more difficult. The more debt and responsibility the Town takes on, the higher its risk and the longer it will take for the FTTP network to be cash-flow positive.

Review Project Next Steps

The following project next steps were discussed. It is important to note that during the project Kickoff meeting, the Town asked HR Green to execute the second phase of the project in parallel with the first phase of the project, so the following list of next steps includes tasks from both the first phase and second phase of the project.

- Map priority small cell locations town wide. (COMPLETED)
- Develop draft small cell policy and design standards. (COMPLETED)
- Develop a wireless master concept plan. (COMPLETED)
- Develop public policy recommendations, including a pavement degradation policy, a street cut fee policy, a traffic control policy, and a colocation policy. (COMPLETED)
- Establish a community vision. (Phase 2, Task 1)
- Perform a technology assessment. (Phase 2, Task 2)
- Explore outside funding sources, draft grant applications and/or MOUs. (Phase 2, Task 3)

7. Recommendations

The outcomes from the Vision Working Session with the Town Council, as described in **Chapter 6** of this Report, contributed to the following recommendations. While the recommendations are listed in a sequential order this does not necessarily mean they need to be implemented in this order.

Recommendation #1 – Adopt Community Vision

Town Council, in partnership with Town staff, need to adopt a community broadband vision. Establishing a vision will provide the staff with a sound footing upon which to base its future decisions.

The Town may want to explore the following two broadband service models. These models align with the key objectives that Council said were important to the community via the Competing Values Survey. Please see **Chapter 4** of this Report for additional information about these broadband service models.

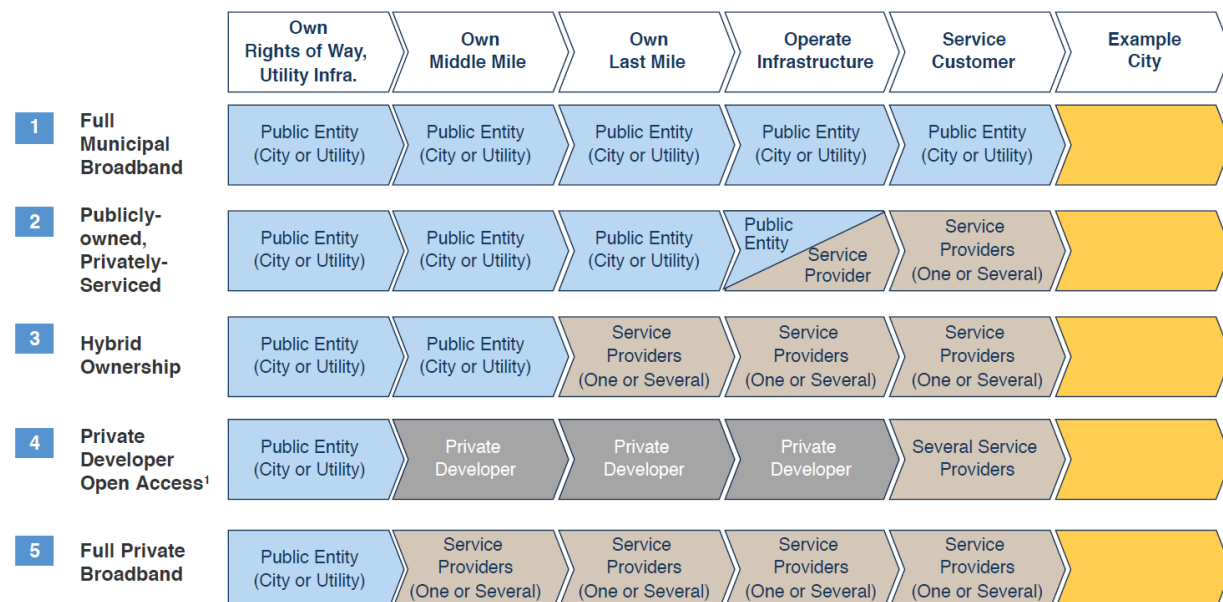
2 Publicly owned, Privately-Serviced

- Reduces risk when full control over service is not as important.
- Reduces risk in absence of operational capabilities.
- Maximizes return potential while leveraging an ISP partnership.

3 Hybrid Ownership

- Hybrid models are optimal when capital is limited but there's existing infrastructure, regardless of other factors.

City Main Business Model Options for Broadband Expansion



Note: 1) Private Developer is defined as private company that builds, owns and operates the network infrastructure and offers open access to it to several retail SPs that provide service on the top

2020. This preliminary network design will become a road map for financial analysis and business modeling, and for future decisions (potentially including detailed engineering, construction, and operations).

Develop Preliminary Network Design Cost Estimates

A cost estimate and supporting documentation for network deployment and interconnection, inclusive of anticipated construction labor, materials, engineering, permitting, quality control and testing will need to be prepared. These estimates should be provided in the form of a cost range and should include a most likely cost with appropriate budget that includes suitable contingencies.

The analysis should provide guidance regarding ongoing costs, medium and long-term needs to refresh and replace equipment and potential revenue sources to support network operations.

Various data points will need to be taken into consideration during the cost estimating process. These included: estimated underground and overhead footage of existing and proposed fiber conduits, total number of splice points, pedestals, and hand holds, total number of fibers, material costs breakout, and labor costs.

Perform a Financial Analysis

A study of the financial feasibility of the project will be performed to determine if a system could be built and operated that meets the Council's goals, while remaining financially self-funding. The financial model will be tested to see if it demonstrates financial viability across 20- and 30-year lifecycles.

The financial model will also be based on the creation of a dark fiber network and subsequent leasing of dark fibers to provider(s) who would extend service to individual homes and businesses.

In addition, the financial model will be based on the preliminary fiber network design and feature the use of current conduit assets and the extension of new fiber and conduit to form a distribution backbone. The model assumes that a private-sector partner will construct and finance individual connections to homes and businesses and will pay lease fees to the Town for the use of the distribution backbone.

Recommendation #3 – Evaluate Funding Alternatives

An initial analysis of the Town's broadband project will need to look at the Town's projected revenue verses expected costs – an examination of whether the revenue that should be generated from the infrastructure can pay for the infrastructure and operational costs that would be incurred. The analysis will need to include a review of funding sources that could help offset infrastructure and operational costs. These grants and other funding options can have significant positive impact on the scope, feasibility, and options of the broadband project.

It should be noted that grant funding and other funding opportunities are a constantly emerging and changing target. The federal government and state legislatures across the country have recognized the need for broadband funding support. The Federal Communications Commission (FCC) and Congress have approved several channels of funding. And state legislatures across the country are working on broadband funding, mostly geared towards the desire to have ubiquitous broadband, specifically in rural areas. The important positive implication of that is there are several opportunities for external project funding that can dramatically improve the financial considerations of broadband projects.

It is also important to maintain awareness of other funding sources. It is not uncommon for an agency (regional, state or federal) to have targeted programs that can provide funding for broadband projects. These can range from utility related topics to community betterment to citizen specific needs to business attraction or retention, block grants, etc.

Colorado Department of Local Affairs (DOLA)

DOLA's Energy and Mineral Impact Assistance Fund (EIAF) program was created to assist **political subdivisions** that are socially and/or economically impacted by the development, processing, or energy conversion of minerals and mineral fuels. Funds come from the state severance tax on energy and mineral production and from a portion of the state's share of royalties paid to the federal government for mining and drilling of minerals and mineral fuels on federally owned land. The creation of the fund is outlined in C.R.S. 34-63-102 (Federal Mineral Lease) and C.R.S. 39-29-110 (Severance). Grant dollars are awarded for the planning, construction, and improvement of public facilities, and for the provision of services by political subdivisions.

Only political subdivisions of the State of Colorado (local governments) are eligible to apply for grants through this program. Local governments must be in compliance with all laws and provisions governing

their operations as well as in compliance with all Department of Local Affairs programs prior to receiving an award. Applicant projects can range from community strategic plans, comprehensive or master plans, and land use codes, to the construction of community capital assets.

Grants can be used for community broadband projects that support local government efforts to provide public institutions, private businesses, and local citizens with access to reliable broadband service at affordable costs. Funding opportunities include **regional planning and interconnectivity**, and **middle-mile Infrastructure**. Additional funding requirements and/or considerations are: Due to the technical complexity of these grants, a more in-depth review by DOLA staff is required, therefore applicants must contact their Regional Manager prior to submitting a grant application, and a 50% match is required for middle-mile infrastructure.

At the time this report was drafted, the Town of Snowmass Village has contingently secured a 50% matching grant. **Colorado Department of Regulatory Agencies (DORA)**

DORA's Broadband Fund exists to connect communities and fuel economic growth in unserved areas across Colorado. The Broadband Deployment Board provides grants through the Broadband Fund to deploy broadband service in unserved areas of the state.

Broadband access has become a crucial factor for economic development in communities across the country. It directly impacts not only local business' ability to operate outside their region but affects residents' access to goods and services like education and healthcare. Communities with broadband access experience real, measurable benefits, and the Broadband Fund seeks to amplify those benefits by enabling more infrastructure projects to kickoff across Colorado.

The Broadband Deployment Board seeks public comment on applications before reviewing and selecting which projects to fund. Grants from the Fund can provide up to 75 percent of infrastructure project costs and may only be awarded to **for-profit entities**, with a few exceptions. The Board awards money from the Broadband Fund according to statutory requirements and Board policy, as well as demonstrated urgency and local commitment to complete the project. These grants are for projects that provide **last mile service**.

Recommendation #4 – Evaluate Potential Partnerships

The model of service identified in this project may need to leverage funding for both core network and last-mile construction available through DOLA and DORA, respectively. This will mean that the town must identify a potential for-profit partner who is interested in leasing the core asset, and in building and managing last mile connectivity. Identifying interested partners, therefore, is an important step to help the Town envision a path forward.

The approach used to engage with potential partners includes building a list of potential partners and other interested parties, developing a request for expressions of interest (EOI), sending the EOI to the list of potential partners, processing responses to the EOI and selecting potential partners based on the level of interest. This approach will create a faster-moving cycle in which partners can be identified and brought to the table more quickly and with a higher likelihood of successful progress.

Recommendation #5 – Complete Formal RFP to Identify Partner(s)

The EOI process conducted as part of the previous recommendation will be useful to determine interested parties but does not provide the Town with enough details to fully determine a proposed partner nor the form of the partnership. It is recommended that the Town conduct a formal request for proposal (RFP) to identify and select its partner(s) for the potential buildout.

Recommendation #6 – Pursue Grant Funding

Most likely for the project to move forward grant funding will need to be identified and committed. It is important to note that DOLA funding can be used for both engineering and final construction expenses. A formal grant application should be submitted as soon as practical to cover final engineering design and construction of the proposed town-owned network.

It is also recommended that the selection of a private partner be timed to allow for coordination of private-sector grant requests to assist with paying for last-mile connectivity. Ideally, a coordinated approach would assure both the private sector and the Town of availability of state funds to complete both the town-owned distribution network and the last-mile connections due to the interdependence of both funding sources to completion of the project.

Recommendation #7 – Construct Core Network

Once a partner is identified and funding is secured, the next step will be to begin the deployment of infrastructure to support broadband improvements. This step can be started as soon as engineering is completed through the selection of a contractor with fiber optic deployment experience. The Town should work closely with its selected private sector partner to ensure that the network constructed meets its required FTTP architecture.

DRAFT

From: [Carla Buffulin](#)
To: [Brian McNellis](#)
Subject: Public rearing - Aspen ski company request to place 9 cell towers at 7 locations in snowmass ski area
Date: Thursday, August 10, 2023 9:05:07 PM

Dear Mr. McNellis,

I am writing to formally express my perspective concerning the request made by Aspen Skiing Company to install 9 individual cell towers across 7 designated locations in the Snowmass area. In light of contemporary technological alternatives, particularly the emergence of Starlink, I find it prudent to assert that the proposed deployment of cell towers appears superfluous. Starlink presents a significantly advanced technological solution in terms of both its speed and expansive coverage range.

Moreover, Starlink distinguishes itself by obviating the necessity for terrestrial cell towers, as it facilitates direct satellite-based connectivity for mobile devices.

The Starlink approach holds the promise of maintaining the integrity of the natural landscape in an unaltered and conserved state.

Additionally, I wish to bring attention to the well-documented concerns surrounding the implementation of 5G technology. The broader community is well-informed about the manifold health implications linked to their technology, some of which are known, while others remain uncertain over the long term. It is worth underscoring that the establishment of 5G cell towers not only poses potential risks to human well-being but also has the potential to adversely affect the local ecosystem and animal life in proximity to such installations.

I therefore, respectfully urge Aspen Skiing Company to duly contemplate the merits of availing Starlink services as an alternative to their current proposal. This would not only align with the imperative of preserving the natural environment but also contribute to mitigating potential health and ecological consequences associated with traditional cell tower infrastructure.

Thank you for the opportunity to express my views and concerns,

Kind regards,

Carla Buffulin (23 Meadow Ln, Snowmass Village)

Brian McNellis

From: Scott Rosenberg <rosenbergse@gmail.com>
Sent: Thursday, August 17, 2023 9:08 AM
To: Brian McNellis; Snowmass Town Council
Subject: Cell Tower Application Comments

Hi Council,

My family have been homeowners in Snowmass for over 20 years. We love it here. I saw that there is a pending application by SkiCo to install cell towers throughout the mountain, and my family and I are enthusiastic supporters of the proposal.

In recent years, as the need for cell service has only increased, network availability and capacity on Snowmass has struggled. It is incredibly frustrating to feel disconnected - especially in this era of remote work and more off the cuff planning. Cell service, especially over the holidays when the mountain is crowded, is terrible. It's only marginally better when the mountain is emptier. I contrast this to Vail, which has excellent service not only on the front side, but throughout their back bowls.

I proposed to my wife while skiing on Snowmass, and could not reach the photographer. Thankfully, we had decided on a clear spot and the photographer knew what jacket I was wearing, but it was nerve racking not to know if she was there/ready. While obviously not the biggest deal, it is an example of a situation that never should have occurred with proper cell coverage on the mountain.

This isn't just about convenience or quality of life - it's a safety issue. People rely on their phones to contact Ski Patrol. Personally, I cannot count the number of times I have used my phone to contact patrol over the years. Recently, if I needed to contact Patrol from the Cirque or Hanging Valley, I couldn't. With the removal of safety phones, it is essential to have cell service.

I have previously written to mountain management on several occasions requesting exactly the solution they have before the council, and I'm excited to support it.

Thank you.

-Scott Rosenberg
(609) 462-2526

Renderings

Attachment G

Without Vegetation -

Two Creeks 54' Monopole Location



With Vegetation -

Two Creeks 54' Monopole Location



Renderings

Without Vegetation -

Lynn Britt 60' Monopole Location



With Vegetation -

Lynn Britt 60' Monopole Location



Renderings

Without Vegetation -

Alpine Springs Lift Base 60' Monopole Location



Alpine Springs Lift Base 60' Monopole Location

With Vegetation -



Renderings

Without Vegetation -

Burn Chair Top Two 30' Monopole Locations



With Vegetation -

Burn Chair Top Two 30' Monopole Locations



Renderings

Without Vegetation -



With Vegetation -

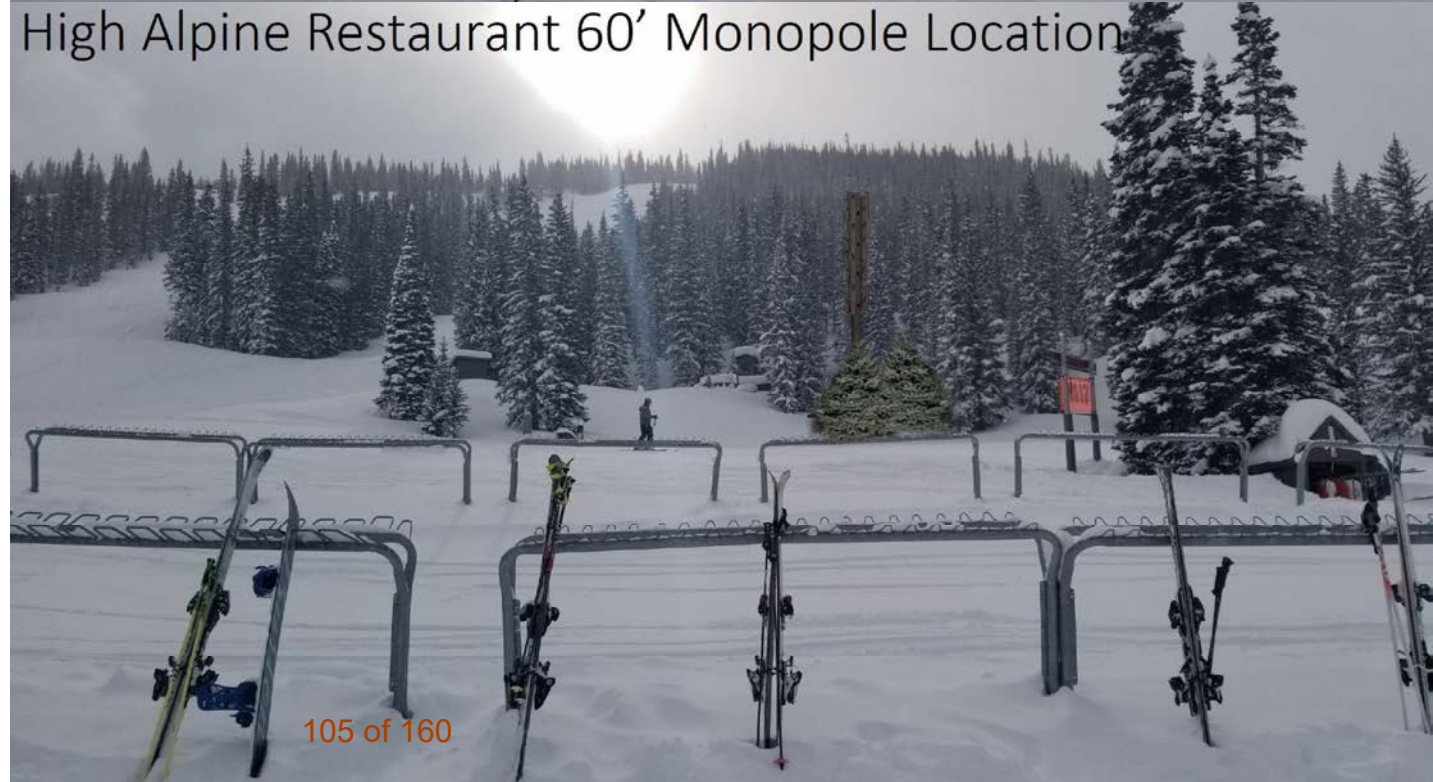


Renderings

Without Vegetation -



With Vegetation -



Renderings

Without Vegetation -

Sam's Restaurant 30' & 40' Monopoles Location



Sam's Restaurant 30' & 40' Monopoles Location

With Vegetation -



Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

August 21, 2023

AGENDA ITEM:

Second Reading- Ordinance No. 7, Series of 2023 – An Ordinance Amending the Town of Snowmass Village Municipal Code by Amending Section 7-124 In Article V of Chapter 7 Related to the Town’s Leash Laws for Dogs

PRESENTED BY:

Jeff Conklin, Town Attorney
Brian Olson, Chief of Police
Andy Worline, Parks, Recreation & Trails Director

BACKGROUND:

The Town Code presently requires that dogs be maintained on a leash when on property accessible by the public. Failure to comply with this restriction constitutes a dog running “at large.” In practice, this regulation has proven difficult to enforce, as citizens will often walk dogs off-leash on trails or otherwise appropriately control dogs through voice, visual, or electronic commands.

Accordingly, this Ordinance proposes to amend the Town Code such that a dog is not considered “at large” if the dog is on a leash or under voice, visual, or electronic commands. There are additional standards to help determine when a dog is considered “at large,” such as harassment of other persons or failure to comply with commands. The proposed Ordinance will provide the Police Department with discretion on what constitutes a failure to control a dog.

Further, there are or may be certain areas of Town that are more appropriate to require dogs to be on-leash (or be on-leash at certain times), regardless of compliance with voice, visual, or electronic commands. The proposed Ordinance thus provides a mechanism to create “mandatory leash zones” by the Town Council by Ordinance or through Town Manager rule on a temporary basis. The latter authority will allow for the Town to be more nimble in requiring dogs to be on leash at certain areas at certain times, such as during JAS. Any temporary areas must be posted with adequate signs identifying the mandatory leash zone.

Staff believes the foregoing approach will allow for enforcement to more closely reflect actual practice and provide a tool for ensuring dogs on are leash when most critical.

On August 7, 2023 Town Council approved Ordinance 7, Series of 2023 on First Reading.

This Ordinance was reviewed by POSTR Board between first and second reading on August 8, 2023. The POSTR Board did not have a specific recommendation for the Town Council.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

1. Approve Ordinance No. 7, Series of 2023, Amending the Town of Snowmass Village Municipal Code by Amending Section 7-124 In Article V of Chapter 7 Related to the Town's Leash Laws for Dogs. Doing so will amend the Code to reflect this new provision.
2. Deny Ordinance No. 7, Series of 2023, Amending the Town of Snowmass Village Municipal Code by Amending Section 7-124 In Article V of Chapter 7 Related to the Town's Leash Laws for Dogs. Doing so will maintain the existing Code, requiring dogs to be on-leash when in public.

STAFF RECOMMENDATION:

Town Staff recommends approval of the Ordinance.

Town Staff recommends that Town Council make a motion to approve Ordinance No. 7, Series of 2023 on Second Reading.

ATTACHMENTS:

Ordinance No. 7, Series of 2023
Ordinance No. 7, Series of 2023 – Redline
Public Comment

1 TOWN OF SNOWMASS VILLAGE
2 TOWN COUNCIL

3
4 ORDINANCE NO. 7
5 SERIES OF 2023
6

7 AN ORDINANCE AMENDING THE TOWN OF SNOWMASS VILLAGE MUNICIPAL
8 CODE BY AMENDING SECTION 7-124 IN ARTICLE V OF CHAPTER 7
9 RELATED TO THE TOWN'S LEASH LAWS FOR DOGS
10

11 WHEREAS, The Town of Snowmass Village ("TOSV") is a home-rule municipality,
12 duly organized and existing under the TOSV's Charter adopted pursuant to Article XX of
13 the Constitution of the State of Colorado; and
14

15 WHEREAS, Section 3.3 of the TOSV's Charter confers upon Town Council the
16 power to amend the TOSV Municipal Code; and
17

18 WHEREAS, The TOSV's Municipal Code prohibits dogs from being off leash in all
19 areas within the TOSV; and
20

21 WHEREAS, Town Council has determined that it is appropriate to permit dogs to
22 be off leash within the TOSV so long as the dog is within control of the dog owner by other
23 means; and
24

25 WHEREAS, Town Council has determined that it is appropriate to designate areas
26 within the TOSV where all dogs must be leashed; and
27

28 WHEREAS, Town Council wishes to amend the TOSV Code to permit dogs to be
29 off leash in appropriate areas, as designated by Town Council; and
30

31 WHEREAS, Town Council finds that the adoption of this Ordinance is in the best
32 interest of the TOSV.
33

34
35 NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of
36 Snowmass Village, as follows:
37

- 38 1. Recitals. The foregoing recitals are incorporated herein as findings of the Town
39 Council.
40
41 2. Text Amendments. TOSV Municipal Code **Sec. 7-124** is hereby repealed in its
42 entirety and replaced with the following.
43

44 **Sec. 7-124. Dogs; running at large.**
45

(a) It shall be unlawful for any Dog Owner or person with care, custody or control of a Dog to permit a Dog to run at large within the Town.

(b) A Dog shall be considered under restraint and therefore not "at large" when:

- a. The Dog is restrained by a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog);
- b. The Dog is confined within a vehicle, or other enclosure capable of restricting entry by other Dogs;
- c. The Dog is confined by structural fencing (of sufficient height to effectively restrain the Dog) or invisible fencing system; or
- d. The Dog Owner or person with care, custody, or control of the Dog has the ability to immediately and consistently control the Dog through the use of voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations.

(c) A Dog shall automatically be considered "at large" when:

- a. The Dog is harassing any other person or animal;
- b. The Dog Owner or person with custody, care or control of the Dog fails to immediately and effectively control the Dog through the use of voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations;
- c. The Dog Owner or person with care, custody or control of the Dog fails to immediately pick up, remove and dispose of (in sanitary fashion) any and all animal litter attributable to such Dog; or
- d. In a mandatory leash zone established under Section 7-124(d), the Dog is not kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog).

(d) A "mandatory leash zone" is an area in Town in which a Dog must be kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog). A mandatory leash zone shall be established as follows:

- a. The Town Council may adopt an Ordinance sufficiently identifying such mandatory leash zone(s); or

b. The Town Manager or designee is authorized to establish a mandatory leash zone through adoption of a temporary rule sufficiently identifying such mandatory leash zone and which shall be effective upon posting of signs or similar notice on or near the property sufficiently identifying the mandatory leash zone.

(e) It shall not be a violation of this Section for a Dog Owner or person with custody, care or control of a Dog to permit such Dog to run at large on property belonging to, or rented by, such person.

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 August 7, 2023, upon a motion by Councilmember Shenk, the second of Councilmember Gustafson and upon a vote of 4 in favor and 1 against. Councilmember Fridstein voted against.

READ, APPROVED AND ADOPTED as amended, by the Town Council of the Town of Snowmass Village on Second Reading on August 21, 2023, upon a motion by Councilmember _____, seconded by Councilmember _____, and upon a vote of ____ in favor and ____ against.

TOWN OF SNOWMASS VILLAGE

Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

128 APPROVED AS TO FORM:

129

130

131

132 _____
Town Attorney

DRAFT

1 TOWN OF SNOWMASS VILLAGE
2 TOWN COUNCIL

3
4 ORDINANCE NO. ____
5 SERIES OF 2023
6

7 AN ORDINANCE AMENDING THE TOWN OF SNOWMASS VILLAGE MUNICIPAL
8 CODE BY AMENDING SECTION 7-124 IN ARTICLE V OF CHAPTER 7
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(c) A Dog shall automatically be considered "at large" when:

- a. The Dog is harassing any other person or animal,
- b. The Dog is persistently or habitually barking, howling or yelping,
- c. The Dog Owner or person with custody, care or control of the Dog fails to immediately and effectively control the Dog through the use of voice commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances, distractions or provocations, or
- d. The Dog Owner or person with care, custody or control of the Dog fails to immediately pick up, remove and dispose of (in sanitary fashion) any and all animal litter attributable to such Dog.

d-e. In a mandatory leash zone established under Section 7-124(d), the Dog is not kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog).

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- a. The Town Council may adopt an Ordinance sufficiently identifying

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such mandatory leash zone(s); or

b. The Town Manager or designee is authorized to establish a mandatory leash zone through adoption of a temporary rule sufficiently identifying such mandatory leash zone and which shall be effective upon posting of signs or similar notice on or near the property sufficiently identifying the mandatory leash zone.

(d)(e) It shall not be a violation of this Section for a Dog Owner or person with custody, care or control of a Dog to permit such Dog to run at large on property belonging to, or rented by, such person. ~~individual~~

(e)(f) ~~Notwithstanding subsection (a) of this Section, the Town may by Ordinance designate areas within the Town where a Dog must be kept on a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to effectively restrain the Dog), with posted notice of the same on the property; and the Parks, Recreation & Trails Director and/or Chief of Police is hereby authorized to promulgate additional rules and regulations for such areas and to post notice of the same on the property.~~

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 _____, 2023, upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of _____ in favor and _____ against.

READ, APPROVED AND ADOPTED as amended, by the Town Council of the Town of Snowmass Village on Second Reading on _____, 2023, upon a motion by Council Member _____, seconded by Council Member _____, and upon a vote of ____ in favor and ____ against.

TOWN OF SNOWMASS VILLAGE

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Bill Madsen, Mayor

ATTEST:

Megan Harris Boucher, Town Clerk

APPROVED AS TO FORM:

Town Attorney

DRAFT

From: [Patricia Jayne Keefer](#)
To: [Snowmass Town Council](#)
Subject: Public Comment - Please keep the dog leash ordinance as is
Date: Wednesday, August 16, 2023 10:26:10 AM

Dear Town Council,

For the record, COVID-risk permitting we live summers and winters for the last decade at 90 Carriage Way after visiting since 1976.

I love dogs. I wish all dogs were well-mannered or well-controlled. Unfortunately, wishing does not make it so. I ask that the leash ordinances be kept as they are with no loosening.

It is the negative experiences that stick with you. We primarily hike Vista trail. A pair of off-leash labs (my favorite dogs) came barreling down the trail behind me and took my legs right out from under me. They looked to be about 90-100 lbs each - about what my childhood lab was - The owner was nowhere around. Fortunately it was not a steep part of the trail so I didn't slide - just fell. It only takes one incident like this to really want to have dogs leashed.

I've seen off-leash dogs harass wildlife such as a teenage moose, deer and fox.

Then there's the guy who thinks it is OK to direct his setter to bark and chase birds around the Base Village greenspace in front of the Collective at 6 AM as he is on his way to work.

As a result of these experiences, for the safety of trail hikers, wildlife and the morning peace in the village, I ask you to retain the leash ordinances as is and work to enforce them on hiking trails and in public areas.

Thank you in advance for your consideration of this input.

Wishing You Blue Skies and Tailwinds™,

Pat

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

™ of Tailwinds.com

From: [Chris Council](#)
To: [Snowmass Town Council](#)
Cc: [Clint Kinney](#); [Brian Olson](#); [Tina White](#); [Lauren Martenson](#)
Subject: public comment against proposed leash law: please vote NO
Date: Thursday, August 17, 2023 2:20:01 PM

Town Council Members,

I am a full time resident in Seasons 4 in TOSV and a responsible dog owner who utilizes both a leash and an e-collar for my dog. I am writing today to strongly urge you to vote against rescinding the leash law in the village. While I understand the sentiment behind the change, the reality is that very people can verbally control their dog: dogs are animals, and no matter how well trained, they still will occasionally act out. If they are on a leash then these incidents are almost always prevented, however no amount of verbal control can prevent a split second act that results in severe consequences. Many of the incidents that occur are often not a function of dog vs person/bicycle/etc, but more likely between dog (off leash) and another dog (on leash). Please consider the following incidents that have had significant personal impact to me and my community:

- Last October I was jumped on by a 100lb+ Golden Retriever (whose owner had 2 dogs, both off leash, and zero verbal control), while I was walking my dog (on leash) on the Melton Ranch Trail near Snowmass Mountain Condos. I was knocked down the hill, resulting in a full tear of my ACL, a \$5,000 medical bill (my deductible), and impending knee surgery that will force me to lose my ski season and impact my work as a small business owner.
- This past April my partner was attacked by a dog off leash, again while walking our dog on-leash on the Brush Creek trail near the Viceroy: she was severely bitten, resulting in scarring and emotional distress. This was actually the second time this dog had attacked her, the first time being the prior winter, knocking her down in the snow into a ditch while the owner was nowhere to be found.
- This winter another resident of Seasons 4 was bit by a dog in the community: he had his dog on leash, the another dog owner had his dog off-leash.
- This winter another resident of Seasons 4 had their dog attacked and bit by another dog. Same pattern, his dog was on leash, the other was not.

The list is endless. And these examples are just in my backyard in the past 12 months.

I also serve as the board president of Seasons 4 Condo Association, which has 96 owners. I am not speaking on behalf of the association, however I would like to point out that we have quite a few very dense condo associations throughout the village. If this law is passed, this will significantly hamper the ability of neighborhood associations to enforce their own leash requirements, since owners will simply say it's not a town ordinance so they don't have to comply with rules. Because of the open nature of our town, visitors (not residents) frequently pass through neighborhood streets, and if their dog is off leash there is no way for the association to enforce it.

Finally, it's also important to understand that while most dogs are "fixed", there are still a significant number of "intact" (un-neutered) male dogs in the Village. These pose an additional threat when off leash, as many neutered dogs that have a great temperament 95% of the time will go crazy when confronted with an intact male dog, which poses danger to both dogs and their nearby humans. It's simple animal instinct relative to the smell of testosterone: I encourage you to ask a vet and/or our animal control officers if you aren't familiar with this.

I implore you to change your mind and vote NO against this proposed change. As an alternative, you can easily designate certain trails to be leash-free (for example, the Rim trail), but a blanket change will have massive consequences for our community, as I can fully attest. Just look at the City of Aspen, which has recently had to emphasize the leash rule at Herron Park due to numerous conflicts with dogs off leash.

Thank you,
Chris Council
970-379-4704

From: [John Wilkinson](#)
To: [Snowmass Town Council](#); [Brian Olson](#); [Andy Worline](#)
Subject: Re: Leash ordinance no. of 2023
Date: Wednesday, August 16, 2023 5:47:45 PM

Please ignore my 1st email as it was sent incomplete!!

On behalf of the Aspen Snowmass Nordic Council, we would like the Snowmass Village Town Council to consider the implications of the proposed ordinance as it relates to the nordic ski trails in Snowmass Village.

We would not want to see any changes to the current rules in place for the nordic trails at this time. We have worked with the TOSV parks department and police department on the establishment of the trails and the rules as they pertain to dogs on the nordic trails. The Nordic Council feels that the current rules are acceptable.

Our concern is with Section 7-124 - (d) "Mandatory leash zone" definition. It is our understanding that there is not a formal leash zone map at this time. We would want to be able to comment on either the inclusion or exclusion of the nordic trails depending upon the zone designations.

The Nordic Council will continue to support all efforts to enhance or trails with our vision statement which was adopted by the TOSV town council in 2015:

" The Aspen Snowmass Nordic Council seeks to continue its goal of providing a seamless skiing experience with high quality Nordic trail platforms connected to and within the community centers in the valley."

We will want to work with the town on developing an ordinance that will work with our vision and goals for the nordic trail system including dogs on the trails.

John Wilkinson
President - Aspen Snowmass Nordic Council

On Wed, Aug 16, 2023 at 5:40 PM John Wilkinson <snowjohn5154@gmail.com> wrote:

On behalf of the Aspen Snowmass Nordic Council, we would like the Snowmass Village Town Council to consider the implications of the proposed ordinance as it relates to the nordic ski trails in Snowmass Village.

We would not want to see any changes to the current rules in place for the nordic trails at this time. We have worked with the TOSV parks department and police department on the establishment of the trails and the rules as they pertain to dogs on the nordic trails. The Nordic Council feels that the current rules are acceptable.

Our concern is with Section 7-124 - (d) "Mandatory leash zone" definition. It is our understanding that there is not a formal leash zone map at this time. We would want to be able to comment on either the inclusion or exclusion of the nordic trails depending upon the zone designations.

The Nordic Council will continue to support all efforts to enhance with our vision statement which was adopted by the TOSV town council in 2015:

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

August 21, 2024

AGENDA ITEM:

Discussion and Possible Action to Consider Emergency Ordinance 2023-08 Referring a Question to the November 2023 Ballot Asking Voters to Consider Removing the Prohibition in the Town Charter of Council Member Serving on Town Boards and Commissions

PRESENTED BY:

Clint Kinney, Town Manager
Jeff Conklin, Town Attorney

BACKGROUND:

As part of the part of the 2023 Council Goal Statement, the Council adopted the following:

3) Increase Community Engagement to Foster Emotional Connectivity

The Council will strive to increase effective community engagement to foster relationships, emotional connectivity and to protect community character. The Council will protect the community's character by ensuring that public amenities, events, facilities, and services enhance and meet local community needs and interests.

A sense of community is created through meaningful connections and a welcoming atmosphere. These types of connections are critical. Knowing that a variety of issues (especially increased housing costs) are negatively impacting the community, the Council will find ways to have all residents and guests be more committed and emotionally connected to the Village and our community. The Council desires to build community among all long-time residents, new residents, part-time residents, and guests with the goal of everyone feeling comfortable, welcome, and engaged in the Village.

This Town Council is focused on offering a variety of opportunities to receive feedback, create connections, and listen. It is imperative to expand citizen access to the Council thus elevating community conversation, collaboration, and emotional connection to the Village.

The Council desires to maintain high quality communications with its citizen Boards and Commissions. The Council will do this by asking for guidance and feedback from them. The Council will explore a change to the Town Charter to allow Councilors to serve as *ex-officio* members of Boards and Commissions.

In order to put the necessary question before the voters, the Council needs to approve ballot language via ordinance. Normally, ballot language is approved via a less formal “Resolution” process, but state statute requires an ordinance be used when amending the Town Charter. Due to timing issues and coordination requirements with the County Clerk’s office, an emergency ordinance format is needed to make timing requirements.

Currently, Section 8.2 of the Charter prohibits Town officers and elected officials from serving on any permanent board or commission of the Town. In an effort to improve communications between boards, commissions, and the Town Council, The Town Council wishes to amend this Charter provision to remove the prohibition for elected officials to serve on permanent boards and commissions of the Town. The Town Council believes that permitting elected officials to serve on Town boards and commissions will allow for improved communication, cohesiveness, and integration between Council and the Towns boards and commissions.

Should the voters approve the removal of this prohibition, the Council would then be required to eventually consider and pass an ordinance specifically determining what boards and commissions will have a Council liaison and affirming that Council members will serve in an ex-officio capacity.

FINANCIAL IMPACT:

The fiscal impacts are minimal and are accounted for in the existing budget.

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

This action is very specifically called for in the 2023 Council Goal Statement. Specifically, the Goal Statement states (in part);

The Council will explore a change to the Town Charter to allow Councilors to serve as *ex-officio* members of Boards and Commissions.

COUNCIL OPTIONS:

- 1) Approve the emergency ordinance, and subsequently the proposed ballot language as presented.
- 2) Modify, then adopt the proposed language
- 3) Choose not to put this question to the voters

STAFF RECOMMENDATION:

It is the recommendation of Town Staff, that the Council, by motion:
Approve Emergency Ordinance 2023-8 placing this question on the question on the 2023 Fall Ballot

ATTACHMENTS:

1. Ordinance 2023-8
2. Current Town Charter

1 **TOWN OF SNOWMASS VILLAGE**
2 **TOWN COUNCIL**

3
4 **ORDINANCE NO. 8**
5 **SERIES OF 2023**
6

7 **AN EMERGENCY ORDINANCE REFERRING TO THE ELIGIBLE ELECTORS**
8 **OF THE TOWN OF SNOWMASS VILLAGE AT THE COORDINATED ELECTION**
9 **TO BE HELD NOVEMBER 7, 2023 A BALLOT ISSUE TO AMEND SECTION 8.2**
10 **OF THE TOWN HOME RULE CHARTER REGARDING COMPOSITION OF**
11 **BOARDS AND COMMISSIONS**
12

13 RECITALS
14

- 15 A. The Town of Snowmass Village, Colorado (“TOSV” or the “Town”) is a home-rule
16 municipality organized under Article XX of the Colorado Constitution and with the
17 authority of the Town of Snowmass Village Home Rule Charter (the “Charter”).
18
- 19 B. Section 8.2 of the Charter prohibits Town officers and elected officials from serving
20 on any permanent board or commission of the Town.
21
- 22 C. The Town Council wishes to amend this Charter provision to permit for elected
23 officials to serve on permanent boards and commissions of the Town as may be
24 provided by ordinance. The Town Council believes that permitting elected officials
25 to serve on Town boards and commissions will allow for improved communication,
26 cohesiveness, and integration between Council and the Towns boards and
27 commissions.
28
- 29 D. Section 14.1 of the Charter provides that the “Charter may be amended at any time
30 in the manner provided by the Constitution of the State of Colorado.”
31
- 32 E. C.R.S. § 31-2-210(1)(b) provides that “Proceedings to amend a home rule charter
33 may be initiated by...(b) an ordinance adopted by the governing body submitting
34 the proposed amendment to a vote of the registered electors of the municipality.
35 Such ordinance shall also adopt a ballot title for the proposed amendment.”
36
- 37 F. Accordingly, the Town Council desires to place the proposed Charter amendment
38 on the ballot for the regular election to be held on November 7, 2023.
39
- 40 G. The Town Council declares the subject matter of this ordinance is an emergency
41 in order to meet statutory timelines to conduct an election and provide for
42 consideration by registered voters and, therefore, is immediately necessary for the
43 preservation of public property, peace, health or safety.
44

45 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
46 TOWN OF SNOWMASS VILLAGE, as follows:

- 47
48 1. Recitals. The foregoing recitals are incorporated herein as findings of the Town
49 Council.
50
51 2. Amendment to Charter. Section 8.2 of the Town of Snowmass Village Home Rule
52 Charter is hereby amended to read as follows with additions shown in **bold,**
53 **underlined** text and deletions shown as ~~striketrough~~ text, subject to voter
54 approval as provided herein:
55

56 **Section 8.2 Composition of Boards and Commissions**
57

58 Each permanent board or commission shall consist of at least five (5) members.
59 No Town officer ~~or elected official~~ shall serve on any permanent board or
60 commission. **Elected officials may serve on any permanent board or**
61 **commission as provided by ordinance.** All members of all boards and
62 commissions except those specifically designated as "advisory" shall be residents
63 and registered voters of the Town.
64

- 65 3. Ballot Question. Before the Charter amendment proposed in this Ordinance shall
66 become effective, such amendment shall receive the approval of a majority of the
67 registered electors of the Town of Snowmass Village voting thereon and the Town
68 Council hereby submits to the registered electors of the Town of Snowmass Village
69 the following ballot question and title for the coordinated election to take place on
70 November 7, 2023:
71

72 **SHALL SECTION 8.2 OF THE TOWN OF SNOWMASS VILLAGE HOME RULE**
73 **CHARTER BE AMENDED TO ALLOW FOR THE ELECTED OFFICIALS TO**
74 **SERVE ON TOWN BOARDS ON COMMISSIONS AS PROVIDED BY**
75 **ORDINANCE?**
76

77 **[] YES**

78 **[] NO**
79

- 80 4. Publication. Pursuant to C.R.S. § 31-2-210(4), the Town Clerk shall, within thirty
81 days of the date of adoption of this Ordinance, publish notice of an election upon
82 the amendment, which notice shall contain the full text of the amendment as
83 contained in the Ordinance.
84
85 5. Challenges to Ballot Title and Content. For the purposes of C.R.S. § 1-11-203.5,
86 this Ordinance shall serve to set the title and content of the ballot issue set forth
87 herein and the ballot title for such ballot issue shall be the text of the ballot issue
88 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 Ordinance.

6. 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 Ordinance.

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

8. Severability. If any provision of this Ordinance 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.

9. Immediate Effect. This Ordinance shall become effective immediately upon passage. One publication shall be required within ten (10) days after adoption. Such publication shall specify that the Ordinance has been adopted as an emergency measure and has become effective upon passage.

INTRODUCED, READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village as an emergency ordinance on First Reading on August 21, 2023, upon a motion by Council Member _____, the second of 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:

Town Attorney

CHARTER

TABLE OF CONTENTS

PREFATORY SYNOPSIS

The Charter Commission of the Town of Snowmass Village, Colorado, herewith submits to the voters of the Town the Home Rule Charter which we have framed in conformity with Article XX of the Colorado Constitution.

Since its organizational meeting of Thursday, April 10, 1980, the Commission has worked long and hard to achieve a simple and direct form of local government based on sound principles of public administration and tailored to the political needs of the electorate of the Town of Snowmass Village.

Of primary importance to the Commission is the encouragement by this Charter of the participation of every citizen on a continuing basis in the governmental process. Under provisions of this Charter, a basic Council-Mayor-Manager form of government is established. The Council is composed of seven (7) members which include the Mayor who is elected at large for a two year term. The Mayor also presides at Council meetings and possesses full voting powers of a Council Member. The six Council Members are elected at large for four year overlapping terms. A majority of the Council (three Council Members and the Mayor) are elected every two years, thereby ensuring continuity of government with maximum political responsiveness to the voters.

The Council is the policy determining body of the municipal government invested with full legislative powers. The administrative power is vested with the Town Manager who is appointed by and serves at the pleasure of the Council.

The biennial municipal election is set for the first Tuesday after the first Monday in November with the first election under this Charter to be held on November 2, 1982. The Charter provides that all elections are to be non-partisan. An election commission is established to ensure that fair elections are conducted in accordance with the Colorado Municipal Election Law.

Additional matters covered in this Charter for the future framework of Snowmass Village municipal government relate to general Council procedures, initiative and referendum powers of the people, Town administration guidelines, legal and judiciary appointments, municipal boards and commissions, Town finances, municipal borrowing procedures, public utilities, taxation powers, miscellaneous legal provisions and transition procedures.

The Charter vests the people of the Town of Snowmass Village with every political power permitted to any Home Rule Community under the Constitution of the State of Colorado. We believe this Charter provides a structure for quality government in the Town of Snowmass Village which will endure for many years to come.

PREAMBLE

We, the people of the Town of Snowmass Village, Colorado, under the authority of the Constitution of the State of Colorado and in order to exercise the rights, privileges and responsibilities of self-government granted to us by said Constitution, do ordain and establish this Home Rule Charter for the Town of Snowmass Village, Colorado.

Article I - General Provisions

The municipal corporation heretofore existing as a Town in the County of Pitkin, State of Colorado, and known as the Town of Snowmass Village, shall retain the same name and boundaries until changed in a manner authorized by law.

Section 1.2 - Rights and Liabilities

By the name of the Town of Snowmass Village, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by said Town of Snowmass Village and shall assume and manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and shall acquire all benefits and shall assume and pay all bonds, obligations and indebtedness of said Town of Snowmass Village; may purchase, receive, hold and enjoy or sell and dispose of real and personal property; and may sue, defend, plead, and be impleaded in all courts and places and in all matters and proceedings; and may have and use a common seal.

Section 1.3 - Form of Government

The municipal government provided by this Charter shall be a "Council-Mayor-Manager" form of government. Pursuant to its provisions and subject only to limitations imposed by the State Constitution and by this Charter, all powers of the Town shall be vested in an elective Mayor and Council, hereafter referred to as the "Council," which shall enact local legislation, adopt budgets, determine policies and appoint the Town

Manager who shall execute the laws and administer the Town government. All powers of the Town shall be exercised in the manner prescribed by this Charter or by ordinance.

Section 1.4 - Powers

It is the intention of this Charter to confer upon the people of the Town of Snowmass Village the full right of self government on local and municipal matters and to that end to confirm unto the Town all governmental powers not prohibited by constitution. The Town may acquire property, including water rights within and without its corporate limits for any purpose deemed by the Council to be in the Town's best interest by purchase, gift, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as the Council may determine; and, except as prohibited by the Constitution of this State or restricted by this Charter, the Town may exercise all municipal powers, functions, rights and privileges of every nature whatsoever, including the establishment of or participation in trusts, funds, foundations or other entities designed to receive and expend funds for public purposes including the acquisition, construction, financing of or otherwise providing housing for residents of low and moderate income. The enumeration of particular powers by this Charter shall not be deemed to deny the Town any other power conferred by Article XX of the State Constitution, including the power to supersede by Charter or ordinance any law of this State now or hereafter in force insofar as it applies to local or municipal affairs.

Section 1.5 - Purpose

It is the purpose of this Charter to establish a basic governmental structure that will provide for the effective and efficient conduct of the business of the Town. It is intended that the Charter shall provide for the fullest possible participation in the affairs of the Town by every member of the community.

Section 1.6 - Municipal Code

The Council shall adopt a municipal code containing procedures to implement this Charter, including but not limited to an administrative section describing at least the Planning, Transportation, Housing and Financial functions of the Town.

Section 1.7 - Master Plan

The Council shall adopt and maintain a comprehensive Master Plan of the Town. No subdivision of land, zoning change or land development significantly affecting the Town shall be approved by the Council without considering the effect of such approval on the comprehensive Master Plan, as amended.

Article II - Elections

Section 2.1 - Colorado Municipal Election Laws Adopted

Town elections shall be governed by the Colorado Municipal Election Laws and the Fair Campaign Practices Act as now existing or hereafter amended or modified except as otherwise provided by this Charter or by ordinance hereafter enacted.

(Amended by 11/6/90 election; amended by 11/5/02 election)

Editor's Note: The provisions of the Campaign Reform Act have been replaced by the Fair Campaign Practices Act.

Section 2.2 - Municipal Elections

A regular municipal election shall be held on the first Tuesday after the first Monday in November, 1982, and biennially thereafter. Any special municipal election may be called by resolution or ordinance of the Council at least thirty (30) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose of such election. Polling places for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

Section 2.3 - Nonpartisan Elections

No candidate for any municipal office shall have a party affiliation listed on the ballot.

Section 2.4 - Election Precincts

The Town shall constitute one voting precinct, provided that the Council may by ordinance, for the convenience of the registered electors, establish or abolish multiple precincts thirty (30) days or more prior to any election. The Council shall determine the maximum number of registered electors for each precinct and each precinct shall be as substantially equal in the number of registered electors as practicable.

(Amended by 11/2/93 election)

Section 2.5 - Reserved

Editor's Note: Former Section 2.5, Election Commission, was deleted by voters at the 11/8/94 election.

Section 2.6 - Nominating Petitions

Notwithstanding the provisions of the Colorado Municipal Election Code, a registered elector may sign any number of nominating petitions regardless of the number of separate offices to be filled in any municipal election.

Section 2.7 - Recall

Any elected officer of the Town may be recalled at any time after six (6) months in office by the registered electors entitled to vote for a successor of such incumbent as provided for in Article XXI of the State of Colorado Constitution.

(Amended by 11/2/93 election)

Article III - Council

Section 3.1 - The Council

The Town shall be governed by a Council of five (5), comprised of four (4) Council Members and one (1) Mayor, who shall be elected at large, unless otherwise provided by ordinance.

(Amended by 11/8/94 election)

Section 3.2 - Terms of Office

Terms of office of members of the Council, except for the Mayor, shall be four years and shall be overlapping.

Section 3.3 - Powers of Council

The Council shall be the legislative and governing body of the Town and shall exercise all powers conferred to it by this Charter and shall adopt such ordinances and resolutions as it shall deem proper.

Section 3.4 - Mayor

- (a) The Mayor shall be elected for a term of two years.
- (b) The Mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as shall be conferred on the office by this Charter, the ordinances of the Town or by the Council. The Mayor shall have all the powers, rights, privileges and obligations of a Council Member including the right to vote on all matters. The Mayor shall be recognized as head of the Town government for all ceremonial and legal purposes and shall execute all legal instruments requiring official signatures. The Mayor shall be responsible for the efficient administration by the Town Manager of the affairs of the Town as required by this Charter and the policies and directives of the Council.
- (c) No Mayor shall serve more than three consecutive terms.

Section 3.5 - Qualifications

Each Council Member and the Mayor when nominated and elected shall be a citizen of the United States, a registered voter of this Town and shall have resided in the Town or any territory hereafter annexed for one year immediately preceding such election. The Council shall be the judge of the election and qualifications of its own members.

Section 3.6 - Compensation

The members of the Council shall be entitled to receive such compensation as prescribed by ordinance, provided, however, that the compensation of any member during such member's term of office shall not be increased or decreased.

Section 3.7 - Mayor Pro Tem

The Mayor Pro Tem shall be elected from the Council membership by a majority vote of the entire Council. Said elections shall take place at the organizational meeting following each general municipal election.

The Mayor Pro Tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire Council. In the absence or disability of the Mayor, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor. If a vacancy occurs in the office of Mayor Pro Tem, the Council shall elect a successor.

Section 3.8 - Vacancies

An elected officer shall continue to hold office until a successor is duly qualified. An elective office shall become vacant whenever any officer is removed, recalled, dies, becomes incapacitated, resigns, ceases to be a resident of the Town or is convicted of a felony. Within thirty (30) days after a vacancy occurs, the remaining Council Members shall choose by majority vote a duly qualified person to fill such vacancy on an interim basis until the next municipal election. If three or more vacancies exist simultaneously the remaining Council shall, at the next regular meeting of the Council, call a special election to fill such vacancies, provided there will not be a general municipal election within ninety (90) days.

Section 3.9 - Oath of Office

Before entering upon the duties of office, every Council Member, the Mayor and other Town Officers as defined by ordinance shall take, subscribe before and file with the Town Clerk an oath or affirmation supporting the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the Town and will faithfully perform the duties of the office.

Section 3.10 - Ethics

The Council shall adopt by ordinance a code of ethics to govern its conduct and that of appointed officials of the Town.

Article IV - Council Procedure

Section 4.1 - Regular Meetings

The Council shall meet regularly at least twice each month at a day and hour to be fixed by resolution. Notice of all regular meetings shall be posted permanently in at least two locations in the Town ordinarily used for public notices. The agenda of each regular meeting shall be posted in a public place within the Town at least forty-eight (48) hours in advance of such meetings. The Council shall determine the rules and procedures governing meetings. The first regular meeting following each general municipal election shall be the organizational meeting of the Council.

Section 4.2 - Special Meetings

Special meetings shall be called by the Town Clerk upon the request of the Mayor, of any two members of the Council or the Town Manager on at least forty-eight (48) hours' written notice to each member of the Council and posted in a public place within the Town. A special meeting, however, may be held on shorter notice or without written notice to Council members if a quorum of the Council approves. No business shall be transacted at any special meeting of the Council unless it has been stated in the posted notice of such meeting.

Section 4.3 - Quorum and Adjournment of Meeting

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date. In the absence of all members the Town Clerk may adjourn any meeting for not longer than two weeks.

Section 4.4 - Meetings to be Public

All regular and special meetings of the Council, except executive sessions as defined by ordinance, shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Section 4.5 - Council Acts

The Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances and all other actions, subject to the provisions of Section 4.7, shall be in the form of resolutions or motions. A true copy of every resolution and ordinance adopted shall be numbered and recorded in the official records of the Town. Motions shall be used only as a means of calling for action on a

resolution, ordinance or matter of procedure.

Section 4.6 - Voting

The passage of every ordinance shall be determined by a roll call "yes" or "no" vote. Except as otherwise provided herein, every ordinance, resolution or motion shall require the affirmative vote of the majority of the members present and voting and the results of such vote shall be entered in the minutes of the Council proceedings and in the case of ordinances and resolutions set forth in such ordinance or resolution.

No member of the Council shall vote on a question in which such member has a direct personal or financial interest other than the common public interest or on any question concerning such member's own conduct, in which case the member shall disclose such interest to the Council. If two (2) or more members of the Council are disqualified from voting due to such personal or financial interest, an ordinance, resolution or motion shall require the affirmative vote of three (3) members of the Council for final passage. On all other questions each member who is present shall vote when that member's name is called. Refusal to vote except when not so required by this paragraph shall, at the discretion of a majority of the Council, be considered grounds for removal from office.

Section 4.7 - Action by Ordinance Required

In addition to such acts of the Council as are required by other provisions of this Charter to be by ordinance, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed or placing any burden upon or limiting the use of private property shall be by ordinance, provided, however, that this Section shall not apply to appropriations made in connection with the budget adoption as provided in Section 9.9, which may be done by resolution. Ordinances shall be confined to one subject matter.

Section 4.8 - Form of Ordinance

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SNOWMASS VILLAGE, COLORADO. Except as otherwise provided in this article, all ordinances shall take effect fifteen (15) days after adoption, unless the ordinance shall specify a later effective date.

Section 4.9 - Procedure

Except for emergency ordinances, the following procedure for enactment of ordinances shall be followed:

- (a) The ordinance shall be introduced at any meeting of the Council by any member;
- (b) The ordinance shall be read in full or in cases where copies of the ordinance are available to the Council and to those persons in attendance at said Council meeting said ordinance may be read by title only;
- (c) Following the first reading, the title, a summary of the ordinance to be considered and the date on which the Council shall consider the ordinance shall be published in a newspaper of general circulation within the Town; except if the ordinance fails first reading, no publication or second reading shall occur;
- (d) The ordinance shall be introduced a second time at a regular meeting of the Council for approval, rejection or other action as may be taken by vote of the Council. Upon adoption of an ordinance, a summary of the ordinance shall be published in a newspaper of general circulation within the Town and a true and accurate copy of the ordinance shall be posted in the office of the Town Clerk for 30 days.

(Amended by 11/6/90 election)

Section 4.10 - Emergency Ordinances

Emergency ordinances for the preservation of public property, health, welfare, peace or safety shall require the affirmative vote of three (3) members of the Council. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes or fixing rates charged by any Town owned utilities shall be adopted as an emergency measure. An ordinance authorizing a municipal borrowing in accordance with Article X of this Charter which merely provides for the levying of a tax or which contains covenants with respect to the levy or imposition of a tax to secure the repayment of such a borrowing shall not be deemed an ordinance levying taxes within the meaning of the preceding sentence. An emergency ordinance may be adopted at any meeting of the Council. However, there shall be no requirement for a public hearing, second reading or first publication as provided in Section 4.9. One publication shall be required within ten (10) days after adoption. Such publication shall specify that the ordinance has been adopted as an emergency measure and has become effective upon passage.

(Amended by 11/8/94 election)

Section 4.11 - Adoption of Codes by Reference

Standard codes promulgated by the Federal Government, the State of Colorado, any municipality within the State of Colorado, recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the Town Clerk and provided that any penalty clause in any code may be adopted only if set forth in full and published in the adopting ordinance.

Section 4.12 - Disposition of Ordinances

A true copy of every ordinance shall be numbered and recorded in the official records of the Town and authenticated by the signature of the Mayor or the Mayor Pro Tem and the Town Clerk.

Section 4.13 - Public Records

All records of the Town shall be open for public inspection by any person at reasonable times except where otherwise provided by State or Federal law.

Section 4.14 - Ordinance Review

All ordinances of a permanent nature shall be reviewed by the Council at least every five (5) years after passage and will expire five (5) years after adoption unless reenacted.

(Amended by 11/6/90 election)

Article V - Initiative and Referendum

Section 5.1 - General Authority

- (a) Initiative. The registered electors of the Town shall have the power to propose any ordinance to the Council in accordance with the provisions of this article except ordinances relating to budget, appropriation of any revenues, levy of taxes or salaries of the Town officers or employees. If the Council fails to adopt said proposed ordinance, it shall be submitted without any change in substance to its title or text to the registered electors at a Town election for their acceptance or rejection.

- (b) Referendum. The registered electors of the Town shall have the power to require reconsideration by the Council of any ordinance. If the Council fails to repeal an ordinance so reconsidered, the registered electors have the power to approve or reject it at a Town election in accordance with the provisions of this Article, provided that such power shall not extend to regularly adopted ordinances or emergency ordinances dealing with the budget, appropriation of any revenues, levy of taxes, calling of a special election or authorizing the issuance of local government district bonds payable primarily from special assessments, levying special assessments or ordinances to meet the contractual obligations of the Town.

(Amended by 11/2/93 election)

Section 5.2 - Commencement of Proceedings: Petitioners' Committee; Affidavit

Any five registered electors may commence initiative proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee. Any five registered electors may commence referendum proceedings by filing with the Town Clerk no later than ten (10) days after final adoption of the ordinance sought to be reconsidered an affidavit stating they will constitute the petitioners' committee. Referendum petitions must be filed within thirty (30) days after the final adoption by the Council of the ordinance sought to be reconsidered.

(Amended by 11/2/93 election)

Section 5.3 - Petitions

- (a) Initiative and referendum petitions must be signed by registered electors of the Town equal in number to at least ten (10%) percent of the total number of registered electors in the last general municipal election.
- (b) No ordinance shall be subject to a referendum election more often than once a year.
- (c) Consistent with the provisions of this Charter, the Council shall prescribe by ordinance the form of petitions and the procedures for filing such petitions.

(Amended by 11/2/93 election)

Section 5.4 - Discretionary Suspension of Ordinances

When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall continue in effect unless a majority of

the Council votes to suspend the ordinance pending the election.

Section 5.5 - Submission to Registered Electors

The vote of the registered electors on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than ninety (90) days from the date of the final Council vote thereon. If no regular Town election is to be held within the period prescribed in this subparagraph, the Council shall provide for a special election. Otherwise the vote shall be held at the same time of such regular election, except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available to the public within fifteen (15) days before the election and also at the polls at the time of the election.

(Amended by 11/2/93 election)

Section 5.6 - Results of Election

- (a) Initiative. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) Referendum. If a majority of the registered electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.
- (c) Repeal or Amendment. An ordinance adopted by the registered electors may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the registered electors may not be reenacted for a period of one year after the date of the election at which it was repealed.

(Amended by 11/2/93 election)

Article VI - Town Administration

Section 6.1 - Town Manager

The Town Manager shall be the chief administrative officer of the Town. The Council, by a majority vote of its entire membership, shall appoint a Town Manager within a reasonable time whenever a vacancy exists in such position after appropriate public notice has been made. Such appointment shall be at a salary and upon such terms as are fixed by the Council. The Manager shall be appointed without regard to any consideration other than fitness, competency, training and experience as a manager. No member of the Council shall be appointed Manager during the term for which that member shall have been elected.

Section 6.2 - Acting Manager

The Council shall appoint an acting Town Manager during the period of vacancy in the office, or during the absence or disability of the Town Manager. Such acting Town Manager shall, while in such office, have all the responsibilities, duties, functions and authority of the Town Manager.

Section 6.3 - Powers and Duties of the Town Manager

The Town Manager shall be responsible to the Council, under the general supervision of the Mayor, for the proper administration of all affairs of the Town placed in the Manager's charge, and to that end shall have the following powers, duties and responsibilities:

- (a) The Town Manager shall be responsible for the enforcement of the laws, contracts and ordinances of the Town and the implementation of official policies and directives of the Council.
- (b) The Town Manager shall have the power and authority to hire, suspend, transfer and remove Town employees except those specifically excluded by this Charter.
- (c) The Town Manager shall exercise supervision and control over all executive and administrative departments.
- (d) The Town Manager shall perform such other duties as may be prescribed by this Charter, by ordinance, by other applicable laws, or as may be required by the Council, which are not inconsistent with this Charter.

Section 6.4 - Relationship of Council to Administrative Service

Neither the Council, its members, the Mayor, nor any Council committee shall dictate the appointment of any person to office by the Town Manager except as otherwise provided in this Charter, or in any way interfere with the Town Manager to prevent him from exercising his judgment in the appointment or employment of employees in the administrative service. Except for the purpose of inquiry, the Council, its

members, the Mayor and any Council committee shall deal with the administrative service solely through the Town Manager.

Section 6.5 - Removal of Town Manager

The Council at a regular or special meeting, may remove the Town Manager from office upon the affirmative vote of three-quarters ($\frac{3}{4}$) of the members of the Council present and voting.

(Amended by 11/5/02 election)

Section 6.6 - Town Clerk

The Town Manager, with the approval of the Council, shall appoint or remove a Town Clerk who shall be custodian of the Town seal and who shall keep a journal of Council proceedings and record in full all ordinances, motions and resolutions. The Clerk shall have the power to administer oaths and take acknowledgments under seal of the Town, and shall perform such other duties as required by this Charter, the Council, the Mayor or the Town Manager.

Section 6.7 - Town Treasurer

The Town Manager, with the approval of the Council, shall appoint or remove a Town Treasurer. The Town Treasurer shall be responsible for the receipt and disbursement of all funds of the Town and such other duties and responsibilities as may from time to time be established by the Council by ordinance.

Section 6.8 - Chief of Police

The Town Manager, with the approval of the Council, shall appoint or remove a Chief of Police who shall be chief conservator of the peace within the Town and shall have such related duties and responsibilities as the Council may from time to time establish by ordinance.

(Amended by 11/8/94 election)

Section 6.9 - Administrative Departments

The Administrative functions of the Town under the direction of the Town Manager shall be performed by such departments as may be

hereafter established by this Charter or by ordinance.

Section 6.10 - Bonding of Employees

All Town officials and employees dealing directly with municipal funds shall post bond in an amount and under such conditions as required by the Council.

Article VII - Legal and Judiciary

Section 7.1 - Town Attorney

The Council shall appoint a Town Attorney to serve at the pleasure of the Council. The Town Attorney shall be an attorney at law admitted to practice in Colorado. The Town Attorney shall be the legal representative of the Town and shall advise the Council and Town officials in matters relating to their official powers and duties and perform such other duties as the Council may prescribe. The Council shall establish the compensation for the Town Attorney and any assistants or special counsel.

Section 7.2 - Judiciary

- (a) Municipal Court. There shall be a municipal court vested with exclusive original jurisdiction of all cases arising under the ordinances of the Town and as may be conferred by law.
- (b) Municipal Judges. The Municipal Court shall be presided over and its functions exercised by a judge or judges appointed by the Council for a specified term of not less than one year. The Council may reappoint the Municipal Judges for a subsequent term or terms, except that the initial appointment may be for a term of office which expires on the date of the organizational meeting of the Council after the next general election. Any vacancy in the office of a Municipal Judge shall be filled by appointment by the Council for the remainder of the unexpired term. The Council shall designate a presiding Municipal Judge who shall serve in such capacity during the term for which he was appointed.
- (c) Qualifications. All Municipal Judges shall be attorneys admitted to practice in Colorado.
- (d) Compensation. All Municipal Judges shall receive a salary or compensation set by the Council.
- (e) Removal. Any Municipal Judge may be removed from office only for cause. The following shall constitute cause for removal:

- (1) Conviction of a felony or any other crime involving moral turpitude;
- (2) A disability which interferes with the performance of his duties provided by ordinance, and which is, or is likely to become, of a permanent character;
- (3) Willful or persistent failure to perform the duties of the office.

Article VIII - Boards and Commissions

Section 8.1 - Boards and Commissions

It is the intent of this Article to insure the participation of citizens on a continuing basis in the governmental process. To this end, the Council shall establish and maintain a Planning Commission and a Financial Advisory Board and shall cause to be established such boards and commissions as the Council deems necessary including advisory and appeal boards. All boards and commissions shall be created by ordinance which shall set forth their powers and duties.

Section 8.2 - Composition of Boards and Commissions

Each permanent board or commission shall consist of at least five (5) members. No Town officer or elected official shall serve on any permanent board or commission. All members of all boards and commissions except those specifically designated as "advisory" shall be residents and registered voters of the Town.

Section 8.3 - Appointment and Terms of Office

All members of all boards and commissions shall be appointed by the Town Council. Initial appointments shall specify the term of office of each individual in order to achieve overlapping terms. Thereafter, the term of office shall not exceed three (3) years.

Section 8.4 - Procedure

Each board and commission shall elect its own chairman and vice chairman from among its members and shall operate in accordance with its own rules of procedure except as otherwise provided by ordinance. All meetings of any board or commission shall be open to the public.

Section 8.5 - Vacancies

Whenever a vacancy occurs on any board or commission, the Council shall give public notice of such vacancy and encourage volunteers to seek appointment to such board or commission.

Article IX - Town Financing

Section 9.1 - Fiscal Year

The fiscal year of the Town will commence on January 1st and terminate on December 31st.

(Amended by 11/5/02 election)

Section 9.2 - Submission of Budget and Budget Message

The Town Manager shall submit to the Council the proposed budget for the ensuing fiscal year and an accompanying message by a date to be determined by the Council.

Section 9.3 - Budget Message

The Town Manager's message shall explain the budget both in fiscal terms and in terms of the fundamental and discretionary work programs. It shall outline the proposed financial policies of the Town for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the Town's debt position and include such other material as the Town Manager deems desirable, or the Council may require.

Section 9.4 - Budget Content

The budget shall provide specific information on the sources, uses and balances of all financial resources presented in generally accepted municipal accounting classifications for the ensuing fiscal year and projected in general terms for a minimum of an additional four years. There shall be included a means for the accumulation of reasonable contingencies for unforeseen emergency expenditures or reductions in revenue.

Utilities owned and operated by the Town shall be budgeted in the manner acceptable for planning, reporting, operations and auditing.

Section 9.5 - Capital Program

- (a) The Town Manager, with direction from the Council, shall prepare and submit to the Council a long range capital program projected for a minimum of five (5) years simultaneously with his recommended budget.
- (b) The capital program shall include:
 - (1) Summary of its contents;
 - (2) A list of all capital improvements including repair and replacement of all capital items which are proposed to be undertaken during the following fiscal years with appropriate supporting information as to the necessity for the improvement, repair or replacement;
 - (3) Cost estimates, method of financing and recommended schedules for each such improvement; and
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

Such information shall be revised and/or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 9.6 - Public Hearing

A public hearing on the proposed budget and proposed capital program shall be held by the Council on any date at least fifteen (15) days prior to the final day established by law for the certification of the ensuing year's tax levy to the county. Notice of the time and place of such hearing shall be published one time in a newspaper of general circulation within the Town and posted in one public place within the Town at least fifteen (15) days prior to the hearing. Fifteen (15) days prior to the hearing, the Town Manager shall distribute a summary of the budget and capital program to the news media and organizations designated by the Council.

Section 9.7 - Council Amendments

After the public hearing any taxpayer of the Town shall have the right to register a recommendation on the budget and capital program to the Council and the Council may adopt the budget with or without amendment. The total proposed expenditures and provisions of contingencies in the budget shall not exceed the total estimated revenues including surpluses from prior years.

Section 9.8 - Council Adoption

The Council shall adopt the budget by resolution prior to the date set for certification of the mill levy. If it fails to adopt the budget by this date, the amounts appropriated for the current fiscal year shall be deemed adopted for the ensuing fiscal year until such time as the Council adopts the budget for the ensuing fiscal year.

Section 9.9 - Appropriations, Property Tax Levy

Adoption of the budget by the Council shall constitute appropriation of the amounts specified therein for the purposes set forth in the budget. The proceeds of any municipal borrowing authorized by Article X of this Charter shall not be subject to any requirement of prior budgeting or appropriation as a condition to their expenditure. The amount necessary to repay any such municipal borrowing (including interest thereon) need not be budgeted or appropriated in full in the year in which the borrowing occurs; however, amounts necessary to pay debt service shall (except to the extent they may be payable from other legally available funds in the first year) be budgeted and appropriated on an annual basis, provided that no failure to budget and appropriate such annual debt service amounts shall affect the enforceability of any covenants of the Town to make such payments. The Council shall certify the property tax levy to the County as required by law.

Section 9.10 - Public Records

Copies of the adopted budget and capital program shall be public records. Summaries shall be made available to the public in the municipal office and shall be distributed by the Town Manager to the news media and organizations designated by the Council.

Section 9.11 - Amendments After Adoption

- (a) Supplemental appropriations. If the Town Manager certifies that there are available for appropriation revenues in excess of those established in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) Emergency public appropriations. To meet a public emergency affecting life, health, property or public peace, the Council may make emergency appropriations. Such appropriations may be made by an emergency ordinance in accordance with the provisions of Section 4.10. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by emergency ordinance authorize the issuance of emergency notes as provided in Section 10.3 of this Charter.

- (c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay indicating the estimated amount of the deficit, any remedial action taken and a recommendation as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- (d) Transfer of appropriations. Any time during the fiscal year the Town Manager may transfer part or all of any unencumbered appropriation balance between programs within a department, office or agency and, upon written request by the Manager, the Council may by ordinance transfer part or all of any encumbered appropriation balance from one department, office or agency to another.
- (e) Limitation and effective date. No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption of the appropriating ordinance.

Section 9.12 - Administration of Budget

- (a) No payments shall be made or obligations incurred against any allotment or appropriation except in accordance with appropriations duly made unless the Town Manager first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that such sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payments so made shall be illegal. Such action shall be cause for removal of any employee who knowingly authorized or made such payment or incurred such obligation and such employee shall also be liable to the Town for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such act was made or approved by ordinance.
- (b) The Town Manager shall submit a monthly budget report in a form prescribed by the Council.

Section 9.13 - Independent Audit

An independent audit shall be made of all Town accounts at least annually, within six (6) months after the end of the fiscal year, and more frequently if deemed necessary by the Council. The Council shall select a certified or registered public accountant with experience in municipal accounting to perform the audit. Copies of such audit shall be made available for public inspection at the municipal office.

Article X - Municipal Borrowing

Section 10.1 - Forms of Borrowing

The Town may borrow money and issue any legally recognized security subject to the limitations contained in this Charter.

Section 10.2 - Short Term Notes

Short term notes may be secured in any manner determined by the Council including a pledge of the full faith and credit and the general taxing power of the Town. Short term notes shall mature and become payable no later than the last day of the fiscal year next succeeding the fiscal year in which they are issued.

Section 10.3 - Emergency Notes

Emergency notes may be issued pursuant to Section 9.11 (b) of this Charter and may be secured in any manner determined by the Council including a pledge of the full faith and credit and the general taxing power of the Town. The aggregate principal amount of emergency notes outstanding shall not exceed at any time the amount which may be retired with the proceeds of a two (2) mill general property tax levy. Emergency notes may be renewed from time to time as the needs of the Town require. Emergency notes and any renewed notes shall mature and be paid no later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.

Section 10.4 - Anticipation Warrants

Anticipation warrants shall be issued in anticipation of and shall assign taxes or revenues which have been levied or imposed by the Town. Taxes which may be assigned to pay anticipation warrants include, but shall not be limited to, ad valorem taxes constructively received by the

Town and excise taxes. Anticipation warrants shall mature within such period as may be determined by the Council.

Section 10.5 - General Obligation Bonds

Except for obligations authorized in Sections 10.2, 10.3, 10.4, 10.10 and 10.11 of this Charter, or as provided in this Section below, no bonds or other obligations to which the full faith and credit of the Town is pledged or which are payable in whole or in part from the proceeds of general property taxes shall be issued until the question of their issuance shall be submitted to a vote of the qualified electors of the Town at a regular or special election and approved by a majority of those voting thereon. General obligation bonds of the Town issued for the purpose of acquiring, constructing, improving or extending any municipal utility system, as defined in Article XII, or of acquiring water and the rights thereto may be issued under this Section without an election.

Section 10.6 - Revenue Bonds

Revenue bonds issued for the purpose of acquiring, constructing, improving or extending any municipal utility system or other income producing project may be made payable solely from the net revenues derived from the operation of such system or project. Any two or more of such systems or projects may be combined, operated and maintained jointly, in which case such revenue bonds shall be made payable out of the net revenues derived from the operation of the joint enterprise. Neither a failure of the Town historically to have maintained a special fund for any such existing municipal utility system or other income-producing project nor a previous commingling of revenues derived from the operation thereof with the general fund of the Town shall prevent a pledge of such revenues for the payment of revenue bonds issued pursuant to this Section, provided that such a special fund is created prior to or contemporaneously with the issuance of such revenue bonds and thereafter maintained separate and apart from the general fund.

Revenue bonds issued for any public purpose of the Town (including those specified in the preceding paragraph) may be made payable solely from the proceeds of any tax, other than a general property tax, imposed by the Town or the State of Colorado or any agency thereof. Neither a failure of the Town historically to have maintained special funds into which the proceeds of such existing taxes are deposited nor a previous commingling of such tax proceeds with the general fund of the Town shall prevent a pledge of such revenues for the payment of revenue bonds issued pursuant to this Section, provided that such special funds are created prior to or contemporaneously with the issuance of such revenue bonds and thereafter maintained separate and apart from the general fund.

Nothing herein shall be construed so as to prevent the issuance of revenue bonds pursuant to this Section for any of the purposes specified in the first paragraphs of this Section which are payable from both systems or project revenues and the proceeds of the taxes herein specified. Revenue bonds issued pursuant to this Section may also be secured by a pledge of the full faith and credit of the Town or of general property taxes; however, except for such bonds issued for the purpose of acquiring, constructing, extending or improving any municipal utility system, as defined in Article XII, no such bonds shall be issued until the question of their issuance shall have been approved at an election as required by Section 10.5 of this Charter. Revenue bonds issued pursuant to this Section may also be secured by a pledge of governmental grants received or to be received from the United States of America or any agency thereof or from the State of Colorado or any agency thereof or by a pledge of such grant receipts together with any other revenues or taxes as herein provided.

Section 10.7 - Industrial Development Revenue Bonds

Industrial development revenue bonds may be issued as provided by Colorado statute or as otherwise provided by ordinance.

Section 10.8 - Special Assessment Bonds

The Town shall have the power to create local improvement districts and to assess the cost of the construction or installation of special or local improvements of every character against benefitted property within such districts in the Town, as follows:

- (a) By order of the Council, upon two-thirds vote of all members thereof, subject to protest by the owners of property scheduled to bear a majority of the assessment burden under the method of apportioning assessments as proposed by Council, or
- (b) On a petition by the owners of a majority of the land area of the land owners residing therein.

In either event, a public hearing shall be held at which all interested parties may appear and be heard. The right to protest and notice of public hearing shall be given as provided by ordinance. Such improvements shall confer special benefits to the real property within said district and may confer general benefits to the Town at large. The Council shall have the power by ordinance without an election to prescribe the method of making such improvements or assessing the cost thereof consistent with the special benefits conferred and of issuing bonds for the cost of constructing or installing such improvements, including the costs incidental thereto.

Where all outstanding bonds of a local improvement district have been paid and any monies remain to the credit of the district, they shall be transferred to a special surplus and deficiency fund. Whenever there is a deficiency in any local improvement district fund to meet the payment of outstanding bonds and interest due thereon the deficiency shall be paid out of said surplus and deficiency fund. Whenever a local improvement district has paid and cancelled three-fourths of its bonds issued and for any reason the remaining assessments are not paid in

time to pay the remaining bonds of the district and the interest due thereon and there are not sufficient monies in the special surplus and deficiency fund, then the Town may pay said bonds when due and the interest due thereon, and reimburse itself by collecting the unpaid assessments due said district.

In consideration of any general benefits conferred on the Town at large from the construction or installation of improvements in local improvement districts, the Council may levy general property taxes on all taxable property within the Town at a rate not exceeding four (4) mills in any one year to be disbursed as determined by the Council for the purpose of paying for such benefits, for the payment of any assessment levied against the Town itself in connection with bonds issued for local improvement districts or for the purpose of advancing monies to maintain current payments of interest and principal of bonds issued for any local improvement districts hereinafter created. The proceeds of such taxes shall be placed in a special fund and shall be disbursed only for the purposes specified herein, provided that in lieu of such tax levies the Council may annually transfer to such special fund any available monies of the Town but in no event shall the amount transferred in any one year exceed the amount which would result from a tax levied in such year as herein limited. No assessment by the Town of its own property pursuant to this Section shall be considered or held to create an indebtedness of the Town or to require an election; however, if the Council elects to issue limited tax bonds secured by a pledge of all or a part of the four (4) mill tax levy authorized in this Section for the purpose of providing funds to pay any such assessment or the costs of any improvement conferring general benefits on the Town at large, it shall do so only after the question of the issuance of such limited tax bonds has been approved at an election as provided in Section 10.5 of this Charter.

Section 10.9 - Anticipation Notes

Anticipation notes may be made payable from the proceeds of any obligations to be issued by the Town and may also be made payable from any other tax or revenue source (other than the general property tax) which is legally available for such purpose. Anticipation notes shall be issued as provided by ordinance.

Section 10.10 - Refunding Securities

General obligation refunding securities and refunding revenue securities may be issued as provided by Colorado statute or as otherwise provided by ordinance.

Section 10.11 - Lease Purchase and Installment Purchase Agreements

The Council may enter into lease purchase and installment purchase agreements as a means of acquiring any real or personal property for public purposes. Such agreements may include an option or options to purchase and acquire title to such property. No such agreement shall be made for a term exceeding the useful life of the property or forty (40) years, whichever is the lesser, except for land leases. The Council may pledge the full faith and credit and the general taxing power of the Town to the payment of its obligations under any such agreement and may enter into such covenants regarding the rights of the lessor vendor in the property upon default as the Council may deem necessary or appropriate. The Council may also provide for any limited source of payment it may determine. Nothing herein shall be construed to alter the requirements of this Charter with respect to the levy or imposition of any tax pledged to the payment of such agreements as herein provided. Any property acquired or used by the Town under the provisions of this Section shall be considered municipal property and shall be exempt from general property taxes during the term of any such agreement.

Section 10.12 - Limitations; Sale and Redemption of Obligations

There shall be no limitation on the amount of bonds or other securities the Town may issue, except as may be stated in the documents pertaining thereto, provided that the notice of any election or any ordinance to authorize the creation of any debt pledging Town tax revenues shall contain the following information:

- (a) The amount of the total valuation for assessment of the taxable property within the Town as shown by the last assessment thereof;
- (b) The amount of the Town's total bonds outstanding and unrefunded as of the date of the resolution calling an election or ordinance authorizing the bonds and the amount thereof assuming the issuance of the proposed bonds;
- (c) With regard to general obligation bonds, the percentage of debt to assessed valuation, and with regard to bonds pledging tax revenues other than from ad valorem taxes, the percentage of debt to the most previous year's revenue from the particular tax source pledged;
- (d) Bond rating information, if any;
- (e) The actual dollar amount of annual debt service expressed as a percentage of the current year's budgeted expenditures and the source of revenue to repay such indebtedness;
- (f) A statement of justification for incurring the particular indebtedness.

All obligations issued pursuant to the provisions of this Charter shall be sold at public or private sale to the best advantage of the Town at, above or below par. Bonds may contain provisions for redemption prior to maturity with or without the payment of a premium. The maximum premium payable on prior redemption of any general obligation bonds may, but need not be specified in the bond question approved by the qualified electors.

Section 10.13 - Municipal Utility System Defined

As used in this Article X, "Municipal Utility System" means any water, sanitary sewer, storm drainage, heat, power, light, communication or transportation system and any other system now or hereafter commonly classified as a utility system which is owned by the Town and operated for the benefit of the Town or its inhabitants.

Article XI - Taxation

Section 11.1 - Authority to Levy Taxes

The Council may by ordinance levy and collect taxes for municipal purposes which may include, but shall not be limited to, general ad valorem property taxes and excise taxes (such as sales taxes, use taxes, bed taxes, occupation taxes and land transfer taxes.)

No new excise tax shall be levied nor shall the rate thereof be increased after the adoption of this Charter until such tax or increase shall have been approved by a majority of the qualified electors voting at a regular or special election.

The ad valorem tax levy in any fiscal year when applied to the total valuation for assessment of the Town shall be reduced so as to prohibit the levying of a greater amount of revenue than was levied in the preceding year plus ten percent, except to provide for the payment of bonds and the interest thereon paid from ad valorem tax revenue, unless a greater levy is approved by a majority of the qualified electors of the Town voting at a regular or special election called for the purpose of approving such increased levy.

Article XII - Utilities and Franchises

Section 12.1 - General Powers

The Town shall exercise all municipal powers with regard to all utilities and franchises including without limitation all powers now existing which may be hereafter provided by the Constitution and statutes. The right of the Town to construct, lease, purchase, acquire, condemn or operate any public utility, work or way is expressly reserved. Except as otherwise provided by Constitution or this Charter, all powers concerning the granting, amending, revoking or otherwise dealing in franchises, shall be exercised by the Council. No utility may be acquired unless approved by the majority of the qualified electors voting in a general or special election called for the purpose of approving such acquisition, purchase or construction.

Section 12.2 - Utility Rates

The Council shall by ordinance establish rates, rules and regulations and extension policies for services provided by Town-owned utilities both within and outside the corporate limits of the Town.

Section 12.3 - Use of Public Places by Utilities

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the Town harmless from all damages arising from said use. Every such public utility may be required by the Town to permit joint use of its property and appurtenances located in the streets, alleys or other public places of the Town by the Town and by other utilities insofar as joint use may be reasonably practicable.

Section 12.4 - Granting of Franchises

- (a) No franchise shall be granted that exceeds twenty (20) years except upon approval by a majority of the electors voting thereon.
- (b) The Council shall establish by ordinance the terms, fees, compensation, conditions and any other matters related to the granting of franchises.

Article XIII - Transition

Section 13.1 - Status of Transitional Provisions

The purpose of this Article is to provide for an orderly transition from the present Town government of Snowmass Village to a home rule government under the provisions of this Charter. This Article shall constitute a part of this Charter during the transition period only to the extent required to accomplish that purpose.

Section 13.2 - Effective Date of Charter

This Charter shall become effective immediately upon voter approval, except that those provisions of Article IX relating to the preparation and submission of the budget and capital program shall become effective for the next fiscal year following the Charter election. Those provisions in Article III relating to the election of the Council shall become effective at the first general election scheduled under this Charter to be held on November 2, 1982. The three candidates who received the highest number of votes in the April, 1980, election shall serve until the November, 1984, election. The other three candidates elected in the April, 1980, election shall serve until the November, 1982, election. The Mayor elected in the April, 1980, election shall serve until the November, 1982, election.

Section 13.3 - Prior Town Legislation

All ordinances and resolutions of the Town which are not inconsistent with this Charter and which are in force and effect at the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

Section 13.4 - Present Elected Officials to Continue in Office

The present Town Council and Mayor in office at the time of the adoption of this Charter shall continue at their present salaries to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices.

Section 13.5 - Continuation of Appointed Officers and Employees

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the Town shall continue in that Town office or employment which corresponds to the Town office or employment which they held prior to the effective date of this Charter as though they had been appointed or employed in the manner provided in this Charter, except that any officer or employee who

holds a position which this Charter provides be held at the pleasure of the appointing officer or body, shall hold such position only at such pleasure regardless of the term for which originally appointed.

Section 13.6 - Continuation of Present Boards and Commissions

All boards and commissions in existence at the time of the adoption of this Charter shall continue to function under the provisions of this Charter pending review by the Council. The duties, organization and the terms of office of all members of such boards and commissions shall be conformed to the provisions of Article VIII of this Charter within ninety (90) days.

Article XIV - Charter Amendments

Section 14.1 - Charter Amendments

This Charter may be amended at any time in the manner provided by the Constitution of the State of Colorado. Nothing herein contained shall be construed as preventing the submission to the people of more than one Charter amendment at any one election. If provisions of two or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Article XV - Severability

Section 15.1 - Severability

If any provision, section or act of this Charter or the application thereof to any person or circumstance shall be found to be invalid by a Court of competent jurisdiction, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided that such remaining portions or applications are not determined by the Court to be invalid or inoperable and to this end of the provisions, Sections and Articles of the Charter are declared to be severable.

CERTIFICATE OF FINAL ADOPTION

We, the undersigned, present members of the Town of Snowmass Village Charter Commission, duly elected by the people of the Town of Snowmass Village, Colorado, at the regular election held on April 1, 1980, under authorization of Article XX of the Constitution of the State of Colorado, to prepare a Home Rule Charter for the Town of Snowmass Village, do hereby certify that the foregoing is the Proposed Charter as finally approved and adopted by the members of the convention on the 28th day of July, 1980, for submission to the people of the Town of Snowmass Village at a special election to be called by the present Board of Trustees of the Town.

Executed in triplicate at the Town of Snowmass Village, Colorado, this 28th day of July, 1980.

_____	_____
Richard E. Slaughter	Kenneth Sontheim

_____	_____
William Lippman	James Light

_____	_____
Ruth Kevan	Guy DeCarlo

_____	_____
Harry Truscott	Jean Rawlins

Jennifer Bagley

STAFF CREDITS

David J. Myler, Town Attorney
John B. Young, Town Manager
Sharon H. Dicker, Administrative Assistant

Town of Snowmass Village

Agenda Item Summary

DATE OF MEETING:

August 21, 2023

AGENDA ITEM:

Executive Session

PRESENTED BY:

Jeff Conklin, Town Attorney

BACKGROUND:

The Town Council has reason to convene in Executive Session. To convene in executive session, the Colorado Open Meetings Law requires that the Town announce the topics for discussion with specific statutory citation and to identify the particular matter(s) to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized. A motion to enter executive session for the announced purposes must be passed by 2/3 of the quorum voting in the affirmative for said motion.

FINANCIAL IMPACT:

N/A

APPLICABILITY TO COUNCIL GOALS & OBJECTIVES:

N/A

COUNCIL OPTIONS:

- Convene in Executive Session
- Choose not to convene in Executive Session

STAFF RECOMMENDATION:

Town Council move to enter Executive Session pursuant to C.R.S. 24-6-402(4) and Snowmass Village Municipal Code Section 2-45(c), for the following purpose:

1. For a conference for discussion of a personnel matter under C.R.S. § 24-6-402(4)(f), more specifically: performance review for Town Manager.

Provided, there is an affirmative vote of two-thirds of the quorum present at this meeting to hold an Executive Session and for the purposes of considering items (a) above. Provided further, that no adoption of any proposed policy, position, resolution, regulation, or formal action shall occur at this Executive Session.

Town Council will now meet in Executive Session pursuant to C.R.S. 24-6-402(4) and Snowmass Village Municipal Code Section 2-45(c) for the following purpose:

- a) To discuss personnel matters, except if the employee who is the subject of the session has requested an open meeting, pursuant to C.R.S. 24-6-402(4)(f)(I) and Snowmass Village Municipal Code Section 2-45(c)(6), more specifically related to: Performance Review of Town Manager

Provided, there is an affirmative vote of two-thirds of the quorum present at this meeting to hold an Executive Session and for the purpose of considering items (a) above. Provided further, that no adoption of any proposed policy, position, resolution, regulation, or formal action shall occur at this Executive Session.