Town Council
Town Council Meeting Minutes
Monday, August 21, 2023
4:00 PM
130 Kearns Road
Town Council Chambers
Snowmass Village, CO 81615

Mayor Madsen called to order the Regular Meeting of the Snowmass Village Town Council on Monday August 21, 2023, at 4:00 pm.

A complete live recording of this meeting can be found at www.tosv.com under Town Council Meetings. This meeting will be archived indefinitely, allowing you to view it anytime.

1) CALL TO ORDER

4:00pm

2) ROLL CALL

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

Council Members Absent: none.

Staff Present: Clint Kinney, Town Manager; Jeff Conklin, Town Attorney; Greg LeBlanc, Assistant Town Manager; Sam Guarino, Transportation Director; Dave Shinneman, Community Development Director; Brian McNellis, Planner; Anne Martens, Public Works Director; Andy Worline, Parks & Recreation Director; Betsy Crum, Housing Director; Brian Olson, Chief of Police; and Megan Harris Boucher, Town Clerk.

Public Present: Chris Kiley, Mak Keeling, Chad Kumbier, Chris Penrose, Eric Neumeyer, Mary Blankenau, Dana Murray, Bill Zimmerman, Peter Anzalone, Deslie Desmond, Bill Boineau, and Muke Sura.

3) PROCLAMATIONS AND PRESENTATIONS

None.

4) PUBLIC COMMENT

Mary Blankenau, GM Timberline – Blankenau brought up a concern over the culvert that runs under the Timberline and asked for more information on any maintenance plan/program for it in light of other culverts in the area that have failed and are in need of repairs. Clint Kinney stated that they are determining ownership/responsibility for that specific culvert to determine who will share the costs. Kinney clarified that Public Works did some initial inspections recently and the culvert is concrete and not steel like the two that recently failed, so it is not in the same category. Kinney will share information with Blankenau.

5) CONSENT AGENDA

5.A) 2023 Draft Agendas

Pages 3-5 2023 Agenda Overview

Councilmember Fridstein will be traveling on September 5th and hopes to be at the meeting but might be virtual.

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

6) PUBLIC HEARINGS - QUASI-JUDICIAL HEARINGS

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 adendum

Brian McNellis noted the additional public comment that came in since the packet was created and summarized the Agenda Item. McNellis introduced Mak Keeling, Chris Kiley, Chad Kumbier representing the applicant, Aspen Skiing Company.

Mak Keeling went through a PowerPoint presentation which will be added to the packet plus other materials already published in the packet.

Council asked some clarifying questions as Keeling presented. The visibility of the towers and accompanying cabinets were discussed along with efforts to minimize visuals such as two shorter vs one tall tower, and planted screening options.

Each tower location was discussed, and additional details summarized and clarified. Significant discussions centered around the towers proposed near the Owl Creek neighborhood.

Aspen Skiing Company's plan is to build the two on private lands in summer 2024, with the other 5 locations in the summer of 2025.

Public comment
Jay Warren- Board member of the Owl Creek HOA
Read a statement which Town Clerk Boucher will add to the packet.

Councilmember Fridstein motioned to continue the Public Hearing to a date certain of October 2nd. Councilmember Marolt seconded. All in favor.

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

Town Attorney Jeff Conklin and Chief Brian Olson summarized agenda item and clarified some points of the enforcement with Leash Laws.

Mayor noted the high amount of public comment that has come in on this issue. Public comments that came in via email to Council since the packet was published were printed out for meeting and will be added to packet.

Council asked Chief Olson to clarify the process outlined with the new ordinance if passed.

Some Councilmembers expressed hope that his Ordinance would allow for a friendlier feeling in the community, is a progressive change and aligns with community ecos. If dogs are out of control, that is different, and those dogs will need to be on leash. Some Councilmembers expressed concern that more conflicts may occur due to this change in the leash law. Not all dogs are always in control, even good dogs.

Council discussions included public comments that came in, other communities that have more relaxed leash laws, reliability of voice control for dogs, impact on non-dog owners, the POSTR Board lack of official opinion, mandatory leash zones, designated dog park, and other pros and cons this change may or may not make.

Public Comments:

Mike Sura, Resident and involved in a few HOA's in the Village. Most residents follow the rules. Sura's concern is that owners that say their dogs are in voice control, and they are usually not actually in control. Status Quo seems to work and does not want it to change.

Bill Boineau, Divide Resident and dog owner. He believes it comes down to the owner to be responsible for their dog - both on leash and off leash. He believes that Ditch Trail and Sleighride Trail would be an area for off leash. He recommends trusting the PD and their experience. He recommends passing the Ordinance.

Council further discussed designating the Mandatory Leash Zones which will create focused areas of enforcement concurrently with this Ordinance, need for additional time for more public comment, and that the Nordic trail all being dog free with the exception of Labrador Lane.

Conklin suggested continuing this second reading to September 18th to allow for a companion Ordinance to be introduced to designate the mandatory leash zone initially proposed and possibly incorporate some of the examples from Ridgeway and Boulder.

Mayor Madsen motioned to continue the public hearing to September 18th. Councilmember Marolt seconded. All in favor

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

Clint Kinney summarized the agenda item regarding the change to the Town Charter and the ballot language needed to address this with the voters in November.

Discussion regarding adding language clarifying that Councilmembers would be non-voting member. It was decided that Line 61 in the Charter Amendment and 74 on the Ballot Question will be changed to add "non-voting members."

Councilmember Fridstein motioned to approve Ordinance No. 08, Series 2023 with amended language “as non-voting members” to the ballot question. Councilmember Shenk seconded. Roll call vote. All in favor.

8) ADMINISTRATIVE REPORTS

None.

9) TOWN COUNCIL REPORTS AND ACTIONS

Councilmember Gustafson and Fridstein attended CORE. They continue to work extensively on the Coal Basin methane project. Gustafson reminded all of the electronics showcase at TACAW in Willits which will show individuals how they can make a difference. NWCCOG meeting is coming up and Gustafson confirmed that the increase 4.8% increase in dues will be factored into our TOSV 2024 budget.

Mayor Madsen has a meeting with Sen Bennett up at Ruedi. Retirement party for Robert De Wetter coming up Sept 30th, encourages Council to attend 4-6 pm Saturday at the Chapel. Madsen noted the US Court of Appeals agreed with Eagle County and several environmental groups to overturn the Federal approval of the Uinta Basin Railroad. Madsen also noted a section of the Owl Creek bike path will be repaved in the coming weeks from Two Creeks parking lot to the Pine’s neighborhood bridge areas.

Councilmember Shenk congratulated Snowmass Tourism for wonderful IceAge Discovery events! Great job and very engaging.

Councilmember Marolt reminded all of the upcoming Coffee with Council at Jus in Base Village on August 28th from 9:30am to 10:30am.

10) EXECUTIVE SESSION

10.A) Executive Session

Pages 159 Agenda Item Summary for Exec Session
Pages 160 Executive Session language

Mayor Madsen read the legal language for the Executive Session. At 6:47 pm Councilmember Shenk motioned to go into Executive Session. Councilmember Marolt seconded. All in favor.

At 7:39 pm, Councilmember Fridstein moved to adjourn the Executive Session and reconvene the Regular Meeting, Councilmember Shenk seconded. All in favor.

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

11) ADJOURNMENT

7:40pm

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

Submitted By,

_____

Megan Harris Boucher, Town Clerk

From: Kathryn Doss
To: Snowmass Town Council
Subject: Re: the leash law for dogs in Snowmass Village
Date: Friday, August 18, 2023 11:38:40 AM

Hi,
I read the article on the front page of the Aspen Daily News concerning the idea of "loosening" the current leash law ordinance for dogs in Snowmass Village.
There was a discussion about dogs on trails around the Village. But I would like to address the dogs who freely roam around my residence in the Snowmass Inn.
I am a dog owner. My dog is 14 years old, weighs 8 lbs, and is always on leash when outside our apartment building. This is not only a form of control (as she is elderly, going blind, tiny and has almost no teeth left), but this is for her safety because of the number of unleashed dogs who approach us when we are just outside of our building for a potty break.
I have had to yank her up by that leash to the safety of my arms on more than one occasion when a large unleashed dog has run up on us. I have no idea what his intentions are for my small fragile dog, but it is not a risk I am willing to take by allowing her to be within that dog's reach. And each time this has happened, there is an owner in the distance yelling out that their dog is friendly so it's ok that their dog is now leaping around me trying to get to the small animal I am shielding from them.
I have had to kick a strange dog in the face to get it away from me and my dog. It creates a terribly stressful situation for me. I bet if you were to ask any of these owners they would tell you that their dog is "under their voice control." I assure they were not at that moment when they encountered me and my dog.
Every day this week I have witnessed a different dog with his people off leash in the fenced in area around the swimming pool located between the Pokolodi Lodge and the Snowmass Inn. I have witnessed dogs urinating on the grass there, lifting their legs and marking on the poolside furniture and even defecating on the grass. I also saw a handsome Bernese Mountain Dog SWIMMING in the pool a few days ago. This is in an area that is clearly marked NO DOGS ALLOWED. But because of the lax attitude of the town for enforcing the current leash law ordinance, this is happening.
If I were a guest at the hotels with access to that swimming pool I would not want to take my children there to swim. It would not feel sanitary or safe to have my children in a fenced in area with a large, strange, unleashed dog in it.
I see unleashed dogs defecating around my building and the owner is nowhere in sight to clean it up.
I trained dogs for over 20 years. I have had some I would consider under my voice control, under electronic collar control, and under leash control. I can promise you that NONE of them were 100% under my control except those dogs that were properly leashed with the proper collar attached to that leash. They are animals with a will of their own. As owners we train so that we have a partnership of respect with that animal. But we cannot fool ourselves into thinking that animal won't sometimes break training and run after something more interesting in the moment.
I would beg you to, instead of relaxing the leash law, consider enforcing the current leash law. It is for the safety of the dogs, the residents, the wildlife and the many tourists who come here. Dogs have been a wonderful part of my life and I am grateful to be able to have my little one live here with me. If all owners would be responsible for their dogs we might not need to enforce a leash law but that is not the reality.
I truly believe that issuing tickets to owners of unleashed dogs would eventually get us to the desired result of people and their dogs enjoying this beautiful place without being a hazard or

From: rwied@comcast.net
To: Snowmass Town Council
Cc: Donna Wiedinmyer; Tom Fridstein
Subject: Dog Leash discussion for Snowmass Village
Date: Saturday, August 19, 2023 9:13:25 PM

Dear Snowmass Village Council Members,

My wife and I moved to 598 Fox Run Drive, Snowmass Village in January of 1996. We are full time residents. During this time there have been countless issues with dogs off leash which adversely affect us and our neighbors. This continues to be a problem here in Fox Run. When dogs are off leash they often go onto our properties, apparently picking up the scent of deer, elk etc. People walking dogs off leash primarily come from Ridge Run around our back gate, even though Fox Run Drive is private property. Fox Run also has a pond, also private property and well signed, stating no dogs permitted. When dogs are off leash they run into the pond and are frequently encouraged to do so by their owners who toss things that can be retrieved into the pond from the road. This in spite of the signage prohibiting such activity. Fox Run Homeowners have not tried to stop dog walking on Fox Run Drive. However off leash dogs often disregard their handlers and run onto lawns and the pond, often leaving their excrement behind. I have been told by many owners that their dog(s) don't have to be on leash because they are well trained and won't stray. I would challenge that if wildlife such as deer, elk, bear and moose (all fairly common to Fox Run) are nearby.
I am unsure how many of the council members are dog owners, but to be clear, my wife and I are totally opposed to allowing dogs off leash in Fox Run. I'm sure many homeowners in Snowmass Village feel the same for their own neighborhoods. Please give careful consideration to our concerns before you enact any off leash allowances for Snowmass Village, and in particular, Fox Run.

Sincerely,

Roy and Donna Wiedinmyer
598 Fox Run Drive
Snowmass Village, CO 81615

From: Handler, Steven
To: Snowmass Town Council
Subject: Proposed change in leash law
Date: Sunday, August 20, 2023 7:49:31 PM

My name is Steve Handler. My wife, Janet Koran, and I live at 124 Harleston Green, #46, in Snowmass Village. It is our principal residence and voting address. We are opposed to the proposed change in the leash law. We do not see that there is any significant need for the change. We question whether the Snowmass Village police are giving out citations to residents who actually have their pets under effective voice control. Rather, we believe that the police are only giving out citations where owners do not have their pets under effective control and the non leashed pets are causing some type of problem. In these circumstances, the proposed change in the law will create confusion that will cause more harm than good.

Sent from my iPad

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Please visit http://www.mwe.com/ for more information about our Firm.

From: darryl mexic
To: Snowmass Town Council
Subject: Modified Leash Law
Date: Sunday, August 20, 2023 9:36:18 AM

In theory, the modification of the law to allow "no leash" if the dog is controlled by voice, etc. would be sufficient. However, in practice every dog owner believes or will say that his or her dog can be controlled by voice. Thus all dog owners who do not want his or her dog on a leash will just avoid the leash irrespective of whether or not the dog can be voice controlled. It will end up as if we had no leash law at all.
I am opposed to a change in the law.
Darryl Mexic.

From: rwied@comcast.net
To: Snowmass Town Council
Cc: Donna Wiedinmyer; Tom Fridstein
Subject: Dog Leash discussion for Snowmass Village
Date: Saturday, August 19, 2023 9:13:25 PM

Dear Snowmass Village Council Members,

My wife and I moved to 598 Fox Run Drive, Snowmass Village in January of 1996. We are full time residents. During this time there have been countless issues with dogs off leash which adversely affect us and our neighbors. This continues to be a problem here in Fox Run. When dogs are off leash they often go onto our properties, apparently picking up the scent of deer, elk etc. People walking dogs off leash primarily come from Ridge Run around our back gate, even though Fox Run Drive is private property. Fox Run also has a pond, also private property and well signed, stating no dogs permitted. When dogs are off leash they run into the pond and are frequently encouraged to do so by their owners who toss things that can be retrieved into the pond from the road. This in spite of the signage prohibiting such activity. Fox Run Homeowners have not tried to stop dog walking on Fox Run Drive. However off leash dogs often disregard their handlers and run onto lawns and the pond, often leaving their excrement behind. I have been told by many owners that their dog(s) don't have to be on leash because they are well trained and won't stray. I would challenge that if wildlife such as deer, elk, bear and moose (all fairly common to Fox Run) are nearby.
I am unsure how many of the council members are dog owners, but to be clear, my wife and I are totally opposed to allowing dogs off leash in Fox Run. I'm sure many homeowners in Snowmass Village feel the same for their own neighborhoods. Please give careful consideration to our concerns before you enact any off leash allowances for Snowmass Village, and in particular, Fox Run.

Sincerely,

Roy and Donna Wiedinmyer
598 Fox Run Drive
Snowmass Village, CO 81615

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commands, visual commands such as hand gestures, or electronic commands, irrespective of circumstances,
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From: Erica Berens
To: Snowmass Town Council
Subject: Leash Law
Date: Monday, August 21, 2023 2:30:38 PM

To TOSV Town Council:

Please keep our town's leash laws in effect.

The trails and paths are busy with bikers, e-bikers, strollers and pedestrians, having dogs off leash will add to the chaos and increase danger of trail use.

I've seen dogs chase wildlife with their owners yelling at them, supposedly using 'voice control.'

Create a dog park where dogs can run off-leash.

Thank you for all you do,
Erica Berens
Meadow Ranch

From: William Dietz
To: Snowmass Town Council
Subject: Proposed changes to current leash law
Date: Monday, August 21, 2023 2:17:13 PM

I am contacting you regarding the proposed changes to our leash law. I will not be able to attend the meeting tonight due to my work schedule.
My biggest concern is the impact on wildlife. Even the most well mannered, disciplined dog will chase wildlife. If a dog sees a fox, deer, elk or moose it will chase it. You will hear from owners that will say "oh, not my dog, he listens". Complete nonsense. It's just the dog's nature. I love dogs. I also love how we here in Snowmass Village live in close proximity to wildlife. Nothing is more infuriating than watching a dog chase wildlife that has to expend hard earned calories to run from its pursuer. Wildlife is just trying to survive out there. And for someone's pet to chase it for recreation is sickening. I live in Fairway 3 Townhomes where we have a doe and a young, still spotted fawn hanging out in the area. I neighbor witnessed an unleashed dog walking along the path chase the doe and fawn up and across Owl Creek road. I'm not sure if they were hit by a vehicle or not. It would be a miracle if they were not hit with the absurd amount of traffic on Owl Creek now.
Another concern is a safety issue for other trail users. With the huge influx of e-bikes in the past several years, many of whom are less experienced riders with limited bike handling skills. Dogs off leash on bike paths present a safety issue. I live only 50' from the path. I can confidently say the majority or bike path users are now on e-bikes and they are going considerably faster than a conventional bike would go. An unleashed dog on the path is a disaster waiting to happen. I am sure it has already.
And finally the issue of dog owners not picking up pet waste. It's already a problem and even many dog owners with their pets on leashes don't bother. 'If no one saw it, it didn't happen" I guess. This will be an even bigger problem with unleashed dogs as they can venture out of the sight of their owners more easily.
If anything needs to change it is that the existing leash law needs to be enforced.
Thank you for your consideration.
William Dietz
Fairway 3 Unit 21

From: Marylee Foley
To: Snowmass Town Council
Subject: Town Leash Law
Date: Monday, August 21, 2023 1:30:55 PM

To The Snowmass Town Council:

Having lived in the Country Club Townhomes since 1987, I've seen many a pooch come and go both on and off leash. Our community is a destination for dog walking due to easy parking at the club and being relatively flat terrain. We even provide pick up bags and 4 waste receptacles scattered throughout the community. This has virtually eliminated the need to watch one's step when walking across our lawns.

Dogs on leash "tug" thereby alerting their owners when nature calls so that waste disposal is accomplished. Dogs off leash run through the lawns while stopping momentarily to do their business while owners are unaware as they walk on ahead.

When I'm riding my bike, I feel's more secure when I encounter a dog on a leash knowing that I will not be attacked.

I have been a dog owner for most of my life and understand the need for a dog to get some vigorous exercise—often more than can be had on a leash.
Could we consider a dog park near the Snowmass Rec Center?

Respectfully submitted,

Marylee Foley
Unit # 30
Snowmass Club Circle
Snowmass Village

Sent from my iPhone

From: Janey A. Gubow
To: Snowmass Town Council
Subject: Vote YES - New Leash Law
Date: Monday, August 21, 2023 8:17:12 AM

Please vote YES for the amended town leash to allow our dogs to be off leash under voice control.
Thank you,
Janey Gubow
467 Snowmass Club Circle
#27
Snowmass Village, CO 81615

Sent from my iPhone

From: Jim Paussa
To: Snowmass Town Council
Subject: Leash Law
Date: Monday, August 21, 2023 1:10:37 PM

All,

Keep the leash law.

I just saw a dog chase a deer through Meadow Ranch yesterday.

Ebikes piloted by rookies make the paths dangerous enough so
I don't know why you would want dogs off leash added to the mix
Of bikes, walkers, and strollers.

Chief Olson may remember I was bitten by a dog while cross country
Skiing a few years ago.

Thanks to all of you for all you do.

Respectfully,
Jim Paussa
Meadow Ranch

We think removing the leash law is a terrible idea. We live in Meadow Ranch with the trail system running directly above us. Without the leash law there will be more dogs running at large, consequently more dog poop in our yards. When a dog is 50 yards in front or behind an owner, the owner will have an excuse that they didn't see their dog poop and it will not be picked up. We have that problem now. Loose dogs running up to leashed dogs intimidate them as well as older people and children walking along the paths. We are dog owners, use the trails a lot, and see what loose dogs do that are supposedly under control.
I've been in Meadow Ranch since the mid 70's when there were no leash laws and many associated problems with dogs running at large.
Please keep the leash law in effect. At least then there can be enforcement if needed and some recourse if there is a problem.

Sincerely,
Mike & Gigi Potter

From: Angeles Torres
To: Snowmass Town Council
Subject: Proposal to relaxing the leash laws in Snowmass Village
Date: Monday, August 21, 2023 2:35:38 PM

Dear Council Members,

I am writting to express my deep concerns with reference to the up coming vote to relax the current leash laws in Snowmass Village. I have personal experience as a bike trail rider being chased and bitten by unleashed dogs on two occasions. On one of these occasions, I was actually pulled off my bike when the dog bit my ankle. On both occasions, the owners were frantically calling out to their dogs to "stop." Both times, the owners had the same thing to say: "oh, he's never done that before." I think that we can all agree that no matter how well trained, obedient or docile a dog may seem, it is still an animal subject to its own desires. I can recall when my son was an infant and we would take him on walks in his stroller on the bike path, there were many dogs who would growl, bark or even attempt to get near him aggressively; And these were usually dogs on their leash. I can only imagine what might have happened had they not been leashed.

With the popularity of e-bikes, we have seen an increased amount of bikers on our trails. I fear that having unleashed dogs on trails will increase the risk of accidents not only for the bikers, but pedestrians and even to the dogs themselves.

Lastly, there is the issue of unleashed dogs chasing, capturing and killing wildlife in their natural habitat. We have seen evidence of this in our neighborhood, Meadow Ranch. Perhaps the board can find a designated, fenced in area where dogs can roam freely and safely in Snowmass Village.

I hope that you will take my concerns into consideration and vote against relaxing the current leash laws.

Sincerely,
Angeles Torres Anzalone

Public comment Read out loud by writer

Proposed Cellular Tower Objection by Owl Creek Homes Residents

Thank you for the opportunity to speak to a proposal for a cell tower on Burnt Mountain Drive, some 600 feet from the entrance to Owl Creek Homes and less than 1000 feet from a group of homes in our neighborhood. 21 homeowners who reside just down the road from this 60 ft metal tower will have to view this objectionable addition to natures panorama that attracted each of us to this beautiful area. As a member of the Board of the Homeowners Association, I contacted each of the 21 homeowners living on Burnt Mountain drive, and each and every response opposed the tower location. Additionally, the board of the HOA vigorously opposes the proposed location of the cellular tower.

To be clear, our neighborhood recognizes the benefit improved cellular service brings to the community. Our objection is not to the service itself, but rather the choice of tower location. One can envision other locations available to SkiCo that could provide cellular coverage to the area without imposing on Snowmass neighborhoods.

We object for three essential reasons: aesthetics, impact to property value, and health considerations.

I could opine for hours on the aesthetics that drew many of us to the scenic landscape that is Snowmass. I am certain we all acknowledge that a 60 ft metal tower directly adjacent to where Owl Creek residents enter our neighborhood and walk our dogs is not harmonious. Even if the offensive metal tower were exchanged for one that mimics a tree, the painful contradiction amid the beautiful forest would be profound. Where in the village, let alone this entire area, are residents exposed to such a visual atrocity?

A quick search shows a significant reduction in the value of properties located near a cellular tower. Depending on specifics, a reduction in property values ranging from 3 to 20 percent have been documented. Bringing it home to Snowmass is an excerpt from a letter written by a Partner at Engel & Volkers Real Estate who has transacted a meaningful number of properties in Owl Creek;

"The perceived nature of these towers for both health and esthetic may be problematic for future values within the neighborhood, but may also create unintended consequences related to the natural environment, prestige of the Owl Creek Homes, and general character of the area.

While these towers may be useful for the continued growth of our Town and the lasting benefits of better reception and infrastructure, I believe that the location of these towers, and in particular, the tower that may be most noticeably located near the entrance and vicinity of the Owl Creek Townhomes should be closely studied, and an alternative location established so as not to create any property valuation stigmas that may ultimately create lasting consequences for the Owl Creek Townhome community."

This letter is attached for your review.

ENGEL&VÖLKERS

Aspen · Snowmass · Roaring Fork

August 16, 2023

Mr. Jay Warren
Via Email to :
jwarren.sjc@gmail.com

RE: Proposed Tower for Cellular

Dear Mr. Warren,

Thank you for the opportunity to discuss the Owl Creek Townhomes and the present concern regarding a cellular tower location near the entrance to your neighborhood.

It is my recommendation that the location for the tower be relocated so that it does not create any negative impact or stigma to any homeowner in Snowmass Village which would directly include the Owl Creek Townhomes and the Country Club Home Subdivision.

The perceived nature of these towers for both health and esthetic may be problematic for future values within the neighborhood, but may also create unintended consequences related to the natural environment, prestige of the Owl Creek Homes, and general character of the area.

While these towers may be useful for the continued growth of our Town and the lasting benefits of better reception and infrastructure, I believe that the location of these towers, and in particular, the tower that may be most noticeably located near the entrance and vicinity of the Owl Creek Townhomes should be closely studied, and an alternative location established so as not to create any property valuation stigmas that may ultimately create lasting consequences for the Owl Creek Townhome community.

Please consider all of the above and let me know if you have any questions.

Regards,

Erik Cavarra
Managing Broker, Partner, Engel & Volkers

Environmental Research and Public Health. 2021; 18(3):1229. https://doi.org/10.3390/ijerph18031229

- For all cancers and for the specific types investigated (breast, cervix, lung, and esophagus cancers), the higher the exposure to RBS (radio base stations- cell antenna installations) radiofrequency, the higher the median of mortality rate. In capitals where radio base station radiofrequency exposure was higher than 000/antennas-year, the median of the breast cancer mortality rate was 27.33/100,000, while for all cancers, it was 111.68/100,000 (Table 1).

Meo, S. A., Almahmoud, M., Alsultan, Q., Alotaibi, N., Alnajashi, I., & Hajjar, W. M. (2018). Mobile Phone Base Station Tower Settings Adjacent to School Buildings: Impact on Students' Cognitive Health. *American Journal of Men's Health*.

- High exposure to RF-EMF produced by mobile phone base station towers was associated with delayed fine and gross motor skills, spatial working memory, and attention in school adolescents compared to students who were exposed to low RF-EMF.

Rodrigues NCP, Dode AC, Andrade MKdN, O'Dwyer G, Monteiro DLM, Reis INC, Rodrigues RP, Frossard VC, Lino VTS. The Effect of Continuous Low-Intensity Exposure to Electromagnetic Fields from Radio Base Stations to Cancer Mortality in Brazil. *International Journal of Environmental Research and Public Health*. 2021; 18(3):1229. https://doi.org/10.3390/ijerph18031229

- "Conclusions: The balance of our results indicates that the exposure to radiofrequency electromagnetic fields from an RBS increases the rate of mortality by all cancers and specifically by breast, cervix, lung, and esophageal cancers. These conclusions are based on the fact that the findings of this study indicate that, the higher the RBS radiofrequency exposure, the higher the cancer mortality rate, especially for cervix cancer (adjust RR = 2.18). The spatial analysis showed that the highest RBS radiofrequency exposure was observed in a city located in the southern region of Brazil, which also showed the highest mortality rate for all types of cancer and specifically for lung and breast cancers."

Long-term exposure to microwave radiation provokes cancer growth: evidences from radars and mobile communication systems. Yakymenko(2011) Exp Oncology, 33(2):62-70.

- Even a year of operation of a powerful base transmitting station for mobile communication reportedly resulted in a dramatic increase of cancer incidence among population living nearby.

Association of Exposure to Radio-Frequency Electromagnetic Field Radiation (RF-EMFR) Generated by Mobile Phone Base Stations (MPBS)with Glycated Hemoglobin (HbA1c) and Risk of Type 2 Diabetes Mellitus , Sultan Ayoub Meo et al, International Journal of Environmental Research and Public Health, 2015

- Elementary school students who were exposed to high RF-EMFR generated by MPBS had a significantly higher risk of type 2 diabetes mellitus relative to their counterparts who were exposed to lower RF-EMFR.

Isabel López, Nazario Félix, Marco Rivera, Adrián Alonso, Ceferino Maestú. What is the radiation before 5G? A correlation study between measurements in situ and in real time and

towers. Shortly after this study was published, the city prosecutor sued several cell phone companies and requested that almost half of the cities antennas be removed. Many antennas were dismantled.

Pearce, M., Limiting liability with positioning to minimize negative health effects of cellular phone towers, Environmental Research, Volume 181, 2020,

- "There is a large and growing body of evidence that human exposure to RFR from cellular phone base stations causes negative health effects including both i) neuropsychiatric complaints such as headache, concentration difficulties, memory changes, dizziness, tremors, depressive symptoms, fatigue and sleep disturbance, and ii) increased incidence of cancer and living in proximity to a cell- phone transmitter station." The author recommends long-term planning "to minimize the risk of liability from unintended human harm due to cellular phone base station siting" including voluntary restrictions on the placement of cellular phone base stations within 500 m of schools and hospitals."
-

Epidemiological Evidence for a Health Risk from Mobile Phone Base Stations Khurana, Hardell et al., International Journal of Occupational Environmental Health, Vol 16(3):263-267, 2010

- A review of 10 epidemiological studies that assessed for negative health effects of mobile phone base stations (4 studies were from Germany, and 1 each from Austria, Egypt, France, Israel, Poland, Spain) found that seven showed altered neurobehavioral effects near cell tower and three showed increased cancer incidence.

The review also found that eight of the 10 studies reported increased prevalence of adverse neurobehavioral symptoms or cancer in populations living at distances < 500 meters from base stations. None of the studies reported exposure above accepted international guidelines, suggesting that current guidelines may be inadequate in protecting the health of human populations.

Health effects of living near mobile phone base transceiver station (BTS) antennae: a report from Isfahan, Iran. Shahbazi-Gahrouei et al, Electromagnetic Biology Medicine, 2013.

- This cross-sectional study found the symptoms of nausea, headache, dizziness, irritability, discomfort, nervousness, depression, sleep disturbance, memory loss and lowering of libido were statistically increased in people living closer than 300 m from cell antennas as compared to those living farther away. The study concludes that "antennas should not be sited closer than 300 m to people to minimize exposure."

How does long term exposure to base stations and mobile phones affect human hormone profiles? Eskander EF et al, (2011), Clin Biochem

- RFR exposures significantly impacted ACTH, cortisol, thyroid hormones, prolactin for females, and testosterone levels for males.

emissions like those from cell tower antennas, and exposure levels were far less than those used in the NTP studies of cell phone radiation.

- Watch Press Conference

Wyde, Michael, et al. "National Toxicology Program Carcinogenesis Studies of Cell Phone Radiofrequency Radiation in Hsd: Sprague Dawley® SD rats (Whole Body Exposure).Statement on conclusions of the peer review meeting by NIEHS, released after external peer review meeting and the DNA damage presentation.

- This 25 million dollar study is the most complex study completed by the NTP and the world's largest rodent study on radiofrequency radiation exposure to date which found long term exposure at non thermal levels associated with brain cancer and schwannomas of the heart in male rats. In addition damage to heart was found in all exposure levels. The full report is expected to be released in Fall 2018.

More Important Studies on Cell Tower Radiation

Cindy L. Russell, 5 G wireless telecommunications expansion: Public health and environmental implications, Environmental Research, 2018, ISSN 0013-9351

- Radiofrequency radiation (RF) is increasingly being recognized as a new form of environmental pollution. This article reviews relevant electromagnetic frequencies, exposure standards and current scientific literature on the health implications of 2G, 3G, 4G and 5G.
- Effects can also be non-linear. Because this is the first generation to have cradle-to-grave lifespan exposure to this level of man-made microwave (RF EMR) radiofrequencies, it will be years or decades before the true health consequences are known. Precaution in the roll out of this new technology is strongly indicated.

Noa Betzalel, Paul Ben Ishai, Yuri Feldman, The human skin as a sub-THz receiver – Does 5G pose a danger to it or not?, Environmental Research, Volume 163, 2018, Pages 208-216, ISSN 0013-9351,

- Researchers have developed a unique simulation tool of human skin, taking into account the skin multi-layer structure together with the helical segment of the sweat duct embedded in it. They found that the presence of the sweat duct led to a high specific absorption rate (SAR) of the skin in extremely high frequency band that will be used in 5G. "One must consider the implications of human immersion in the electromagnetic noise, caused by devices working at the very same frequencies as those, to which the sweat duct (as a helical antenna) is most attuned. We are raising a warning flag against the unrestricted use of sub-THz technologies for communication, before the possible consequences for public health are explored."

Mobile phone infrastructure regulation in Europe: Scientific challenges and human rights protection Claudia Roda, Susan Perry, Environmental Science & Policy, Volume 37, March 2014, Pages 204-214.

- This article was published in Environmental Science & Policy by human rights experts. It argues that cell tower placement is a human rights issue for children.

about possible. These results lead researchers to question the construction of mobile phone base stations on top of buildings such as condominiums or houses.

Effect of GSTM1 and GSTT1 Polymorphisms on Genetic Damage in Humans Populations Exposed to Radiation From Mobile Towers. Gulati S, Yadav A, Kumar N, Kanupriya, Aggarwal NK, Kumar R, Gupta R., Arch Environ Contam Toxicol. 2015 Aug 5. [Epub ahead of print]

- In our study, 116 persons exposed to radiation from mobile towers and 106 control subjects were genotyped for polymorphisms in the GSTM1 and GSTT1 genes by multiplex polymerase chain reaction method. DNA damage in peripheral blood lymphocytes was determined using alkaline comet assay in terms of tail moment (TM) value and micronucleus assay in buccal cells (BMN). Our results indicated that TM value and BMN frequency were higher in an exposed population compared with a control group and the difference is significant. In our study, we found that different health symptoms, such as depression, memory status, insomnia, and hair loss, were significantly associated with exposure to EMR. Damaging effects of nonionizing radiation result from the generation of reactive oxygen species (ROS) and subsequent radical formation and from direct damage to cellular macromolecules including DNA.

Subjective symptoms, sleeping problems, and cognitive performance in subjects living near mobile phone base stations, Hutter HP et al, (May 2006), Occup Environ Med. 2006 May;63(5):307-13

- Found a significant relationship between some cognitive symptoms and measured power density in 365 subjects; highest for headaches. Perceptual speed increased, while accuracy decreased insignificantly with increasing exposure levels.

Oberfeld, A.E. Navarro, M. Portoles, C. Maestu, C. Gomez-Perretta, The microwave syndrome: further aspects of a Spanish study,

- A health survey was carried out in La Ñora, Murcia, Spain, in the vicinity of two GSM 900/1800 MHz cellular phone base stations. The adjusted (sex, age, distance) logistic regression model showed statistically significant positive exposure-response associations between the E-field and the following variables: fatigue, irritability, headaches, nausea, loss of appetite, sleeping disorder, depressive tendency, feeling of discomfort, difficulty in concentration, loss of memory, visual disorder, dizziness and cardiovascular problems.

Bortkiewicz et al, 2004 (Poland), Subjective symptoms reported by people living in the vicinity of cellular phone base stations: review,Med Pr.2004;55(4):345-51.

- Residents close to mobile phone masts reported: more incidences of circulatory problems, sleep disturbances, irritability, depression, blurred vision and concentration difficulties the nearer they lived to the mast.
- The performed studies showed the relationship between the incidence of individual symptoms, the level of exposure, and the distance between a residential area and a base station.

TIMBERLINE
CONDOMINIUMS

August 11, 2023

Re: Culvert

Dear Mayor and Town Council Members,

On behalf of all the owners of Timberline, we are writing regarding the Town of Snowmass culvert that runs through the Timberline property. A map of this culvert is attached. It is our understanding that this culvert is approximately 50-60 years old, like most other culverts throughout Snowmass Village. With the failure of at least 3 culverts, in the last 2 years, one that is attached to the culvert that runs through the Timberline, we would like to understand the maintenance program the Town has for the culverts. As you look at the attached diagram, should any part of the culvert fail at Timberline, consequences could be catastrophic and endanger the lives of anyone; owners, guests, and employees that would be here at that time. We operate 365 days per year, so people are always around.

We would like to ask that the Town, at minimum, send cameras down this culvert, this coming fall, when water level has dwindled, to ensure the culvert is in safe condition and stable condition.

Thank you for your time and consideration.

Sincerely,

Mary Blankenau, General Manager

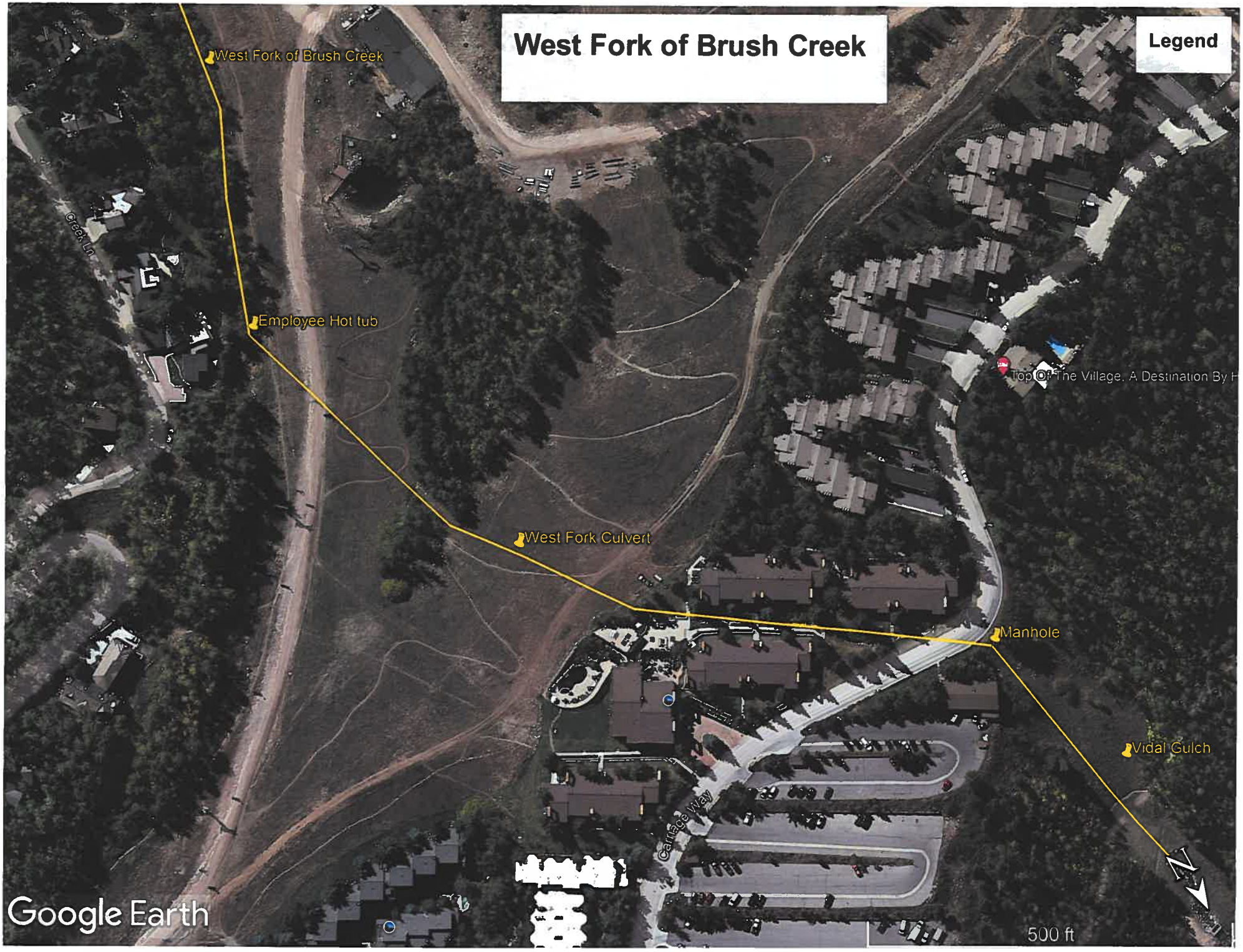
Dr. James Gesler, Board President

Jan Friedlander, Board Vice President

James Braband, Treasurer

Dana Murray, Secretary

William Zimmerman, At-Large


West Fork of Brush Creek
Legend
West Fork of Brush Creek
Employee Hot tub
West Fork Culvert
Manhole
Vidal Gulch
Carriage Way
Creek Ln
Top Of The Village, A Destination By H
Google Earth
500 ft