

SNOWMASS VILLAGE  
REGULAR MEETING MINUTES  
JUNE 20, 2011

CALL TO ORDER AT 400 P.M.

Mayor Bill Boineau called to order the Regular Meeting of the Snowmass Village Town Council for Monday, June 20th, 2011 at 4:01 p.m.

Item No. 1 ROLL CALL

COUNCIL MEMBERS PRESENT: Mayor Bill Boineau, John Wilkinson, Markey Butler, Fred Kucker, and Jason Haber.

COUNCIL MEMBERS ABSENT: All council members were present.

STAFF PRESENT: Hunt Walker, Acting Town Manager; John Dresser, Town Attorney; Joe Coffey, Housing Director; Rhonda B. Coxon, Town Clerk

PUBLIC PRESENT: David Corbin, Don Schuster, Glenn Horn, Tom Newland and other members of the public interested in items on today's agenda.

Item No. 2 PUBLIC NON-AGENDA ITEMS

There were no Public Non-Agenda Items for discussion.

Item No. 3 COUNCIL UPDATES

Council Member Wilkinson thanked everyone who volunteered for Trails day and for the Ice Age Discovery. He noted that both were very successful events.

Item No. 4 REVIEW - ELK CAMP RESTAURANT -ADMINISTRATIVE MODIFICATION TO SPECIAL REVIEW, AND DRAFT RECORD OF DECISION

Planning Director Chris Conrad stated the purpose for this meeting would be to review and provide input considering the Applicant's proposed Administrative Modification application to the Elk Camp Restaurant Special Review and the accompanying draft Record of Decision (ROD) prepared by the planning staff.

Project Manager and Planner Chris Kiley and Company Planning Director David Corbin from the Aspen Skiing Company was present for discussion.

Conrad stated after review the staff found the Administrative Modification submitted addresses some of the more significant changes that were found during the review of the building construction plans via Permit #11-23 in late April / early May 2011. A majority of the proposed revisions below were deemed by the Town Planning Department to be possibly inconsistent with the Special Review approval via Town Council Resolution No. 4, Series of 2011, on January 18, 2011, but that could be viewed as being acceptable, subject to Town Council having the opportunity to review the changes. The three top considerations for the Town Council is whether it is felt that the a) material revisions, b) color changes and c) the proposed deletion of the covered walkway (i.e., per items 2, 3, 4, 5 and 6 below) represent an acceptable departure from what was represented when originally approved. 1. Floor Area F.A.R. calculations revisions; 2. Roof and sunshade flashing colors;

3. Column details;
4. Corrugated material allocation on south and east elevations;
5. Wood siding change from horizontal to vertical;
6. Covered walkway deletion; and
7. Expansion of utility facility buildings.

Council and staff along with the applicants reviewed the seven areas of concern pointed out by the Planning Department and discussed to the satisfaction of the Council and made a few changes to the ROD and provided direction to the Planning Director to proceed with the ROD.

#### Item No. 5 CONTINUATION OF PUBLIC HEARING - Fanny Hill Cabins

Senior Planner Jim Wahlstrom stated that pursuant to Section 16A-5- 390, "Amendment of Final PUD" Municipal Code of the Town of Snowmass, the request proposes removal of condition #1 in the previous approval Ordinance No. 23, Series of 2004, for the Fanny Hill cabins envisioned on Parcel 7, Woodrun Unit Five Subdivision. He stated that the applicant has submitted a request per the letter in today's packet dated May 26, 2011 and to continue the public hearing to either July 18th, or August 1st, 2011. Wahlstrom also stated that two letter were submitted and included for the record.

Mayor Boineau opened the Public Hearing for comments from the Public at 4:43 p..m.

Representing the Aspen Skiing Company for the Fanny Hill Cabins Don Schuster spoke to the request for continuance of this of the Public Hearing for this project. He is also requesting some work session time with Council to dicuss items that may be potential enhancements for this PUD. After discussion by the Council with the applicant the motion was made.

Jason Haber made the motion to approve the request of the applicant to continue the Public Hearing to 4:00 p.m. at the Regular Meeting of the Snowmass Village Town Council on Monday, October 17, 2011. Markey Butler seconded the motion. The motion was approved by a vote of 4 in favor to 1 opposed.

Voting Aye: Jason Haber, John Wilkinson, Markey Butler, and Mayor Bill Boineau.

Voting Nay: and Fred Kucker.

At this time Mayor Boineau continued the Public Hearing to the Regular Meeting of the Snowmass Village Town Council on Monday, October 17, 2011 at 4:00 p.m.

Item No. 6 FOLLOW UP DISCUSSION ON HOUSING ADVISORY COMMITTEE'S RECOMMENDATIONS FOR MODIFYING THE HOUSING GUIDELINES AND REQUEST FOR APPROVAL

Housing Manager Joe Coffey stated this meeting is a follow up to the March 7, 2011 meeting that Council requested more information on the proposed modifications to the housing guidelines. Rick Griffin member of the Housing Advisory Committee (HAC) is present to assist in presenting the proposed Housing Guidelines modifications for Council. He noted that the Housing Advisory Committee met 26 time over a two year period and many different topics were discussed and in the end this committee only has a few recommended changes to the current Housing Guidelines. In general I think this committee found that the current guidelines are working and this is why they did not have very many housing guideline modification recommendations. the items for discussion today are retirement, income and asset guideline modification for 529 College Plan Accounts and the resale inspection program. Coffey provided recommendations and the reason for the recommendation for each change.

**Proposed Item # 1 Retirement Recommendation:**

Committee recommends that the requirement of an owner continues to work 10 years after the purchase of a deed restricted unit before retiring. This is an increase of the existing requirement that an owner must work 5 years after the purchase of a deed restricted unit before retiring.

**Reason for recommendation:** The HAC believes that purchasers of deed restricted housing need to remain employed for ten years after the closing date to insure the housing is occupied by an employee. Only requiring five years of employment time after a deed restricted purchase was not sufficient in their opinion.

**Proposed Item # 2 Income and asset guidelines modification  
(529 College Plan Accounts)**

**Recommendation:**

Committee recommends that we exclude all qualified 529 college education funds from the net worth calculation as we do the retirement accounts. The committee recommends that the income and asset guidelines remain the same.

**Reason for recommendation:** The HAC believes that 529 college plan funds should be excluded from the net worth calculation for purchase applicants. A 529 College plan is governed by IRS rules similar to retirement fund rules. College funds can only be used for education and there is a 10% penalty for an early withdrawal and income tax must be paid on the withdrawal amount too. The benefits to the contributor are that each dollar invested in a 529 plan can be deducted from your taxable income up to \$280,000.00. Currently you can contribute up to \$280,000.00 per beneficiary. The Housing Department has not had to consider the 529 college plan funds to date but they are becoming more common with young families planning ahead for college tuition. I have attached some Colorado 529 College Plan information to this memo.

**Proposed Item # 3 Resale inspection program**

17.4.1.1 Standards. The inspection will disclose the physical condition of the housing unit. The housing unit must meet a minimum standard of maintenance and cleanliness. The approved inspector will grade the housing unit on a standard approved by the Housing Manager.

**Recommendation:** Committee recommends keeping the current program in place along with the current enforcement regulations.

*Council requested a standardized inspection form and grading standards for resale inspections on March 7, 2011.*

The new resale inspection form and the grading standards that apply to the resale inspection are attached to this memo.

Mark Kittle and I inspect each deed restricted property before the property is advertised for sale. Using the new inspection form with the grading standards will better inform the current sellers and new purchasers about the required condition of the property necessary for resale.

Please note the primary goal of the resale inspection program is to resell units or homes that are ready for occupancy so the new homeowner will not have extensive repairs or maintenance work to perform.

After a lengthy discussion between Council and Staff agreed on Housing Manager's recommendation on Item 1 and Item 2. Item 3, resale inspection program created a very long discussion between staff and Council with various scenarios being discussed.

Fred Kucker made the motion to approve all the recommendations provided by the Housing Advisory Committee. Markey Butler seconded the motion. The motion was approved by a vote of 3 in favor to 2 opposed.

Voting Aye: Mayor Bill Boineau, Markey Butler, and Fred Kucker.

Voting Nay: John Wilkinson, and Jason Haber.

Town Council took a break at this time.

Item No. 7 RESOLUTION NO. 20, SERIES OF 2011 - APPROVING SETTLEMENT A RESOLUTION APPROVING A SETTLEMENT AGREEMENT AND MUTUAL RELEASE BETWEEN LOGO CONCRETE, INC. AND PROFESSIONAL EXCAVATING, INC. AND THE TOWN OF SNOWMASS VILLAGE

Town Attorney John Dresser stated that this Resolution is in relation to two-sub-contractors on Rodeo Place remained unpaid after termination of the initial contractor. Their claims were barred under mechanic's lien law but they sued the Town of Snowmass Village pursuant to Public Works Binding Act (PWBA). He noted that the subs and TOSV filed Motions for Summary Judgment based on the PWBA. The Town is taking the position housing is not a public work as the houses and property are sold to private owners. In a partial summary judgment, the court ruled that the project was a public work but did not rule that the subs had proved their case as a matter of law which is the standard in summary judgment.

Markey Butler made the motion to approve Resolution No. 20, Series of 2011 - approving settlement. Fred Kucker seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Markey Butler, Fred Kucker, and Jason Haber.

Voting Nay: None.

Item No. 8 MANAGER'S REPORT

At this time Town Attorney John Dresser stated there is a letter in the Town Manager's report from Glenn Horn relating to the Aspen Country Day School. Glenn Horn and Tom Newland were present to explain the request of Council. The request to be put on a future agenda so they may request permission to use the "School Site" Parcel F within a land use application. This would be for consent only from the land owner. Tonight's request is to be placed on a future agenda.

Council consensus was to add an item on the Regular Meeting agenda for July 5th, 2011. There will be prepared packet materials provided to the Town Clerk.

There was no further discussion for the managers report provided by the Acting Town Manager Hunt Walker.

Item No. 9 AGENDA FOR NEXT TOWN COUNCIL MEETING

\* July 5, 2011

After reviewing the agenda Mayor Boineau asked that the Aspen Country Day be added to the July 5th agenda, and after today's discussion in Council Comments will determine if Item No. 7 will stay on the agenda or not.

Item No. 10 APPROVAL OF MEETING MINUTES FOR

\* May 2, 2011 - Regular Meeting

John Wilkinson made the motion to approve the minutes for May 2, 2011 Regular Meeting of the Snowmass Village Town Council. Fred Kucker seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Markey Butler, Fred Kucker, and Jason Haber.

Voting Nay: None.

Item No. 11 COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS

C.O.R.E.

Council Member Jason Haber sent by email to all the Council Members prior to this meeting a report that was put together by C.O.R.E. and at this time he is requesting support the Economic Development Report Prioritizing Clean Energy. He is requesting support by Snowmass Village Council. Mayor Boineau stated he prefers to allow the public time to also review and provide input. It was decided to put this item on the July 5th, agenda for discussion.

RWAPA

Council Member Haber noted that Mark Fuller from the Ruedi Water and Power Authority has been requesting time on the agenda to discuss the Roaring Fork Watershed Plan. Acting Town Manager Hunt Walker noted that staff has met with Mark Fuller and Kit Hamby from Snowmass Water and Sanitation, they suggest to Fuller that he go before the Snowmass Water and Sanitation Board before coming to Town Council regarding the water shed plan. Walker will follow up with Fuller.

Plastic Shopping Bags

Council Member Haber stated that other jurisdictions in the area have been discussing plastic shopping bags regulations and would like Snowmass Village to be involved in this discussion and they are looking for input from Snowmass Village. Council consensus was to put on a future agenda July 18 or August 1, Haber will finalize with the Town Manager.

Item No. 12 ADJOURNMENT

**At 6:40 p.m.**

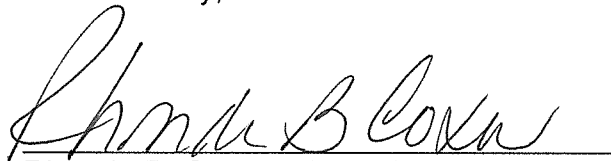
Fred Kucker made the motion to adjourn the Regular Meeting of the Snowmass Village Town Council on Monday, June 20, 2011. Mayor Bill Boineau seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Markey Butler, Fred Kucker, and Jason Haber.

Voting Nay: None.

This set of minutes was approved by the Snowmass Village Town Council at there Regular Meeting on Monday, July 18, 2011.

Submitted By,

A handwritten signature in cursive script, appearing to read "Rhonda B. Coxon", written over a horizontal line.

Rhonda B. Coxon, Town Clerk