

SNOWMASS VILLAGE
GENERAL IMPROVEMENT DISTRICT NO.1
AGENDA
APRIL 19, 2010

CALL TO ORDER AT 5:00 P.M.

Item No. 1: ROLL CALL

Item No.2: GID MILL LEVY
(Time: 20 Minutes)
--Russ Forrest and Marianne Rakowski Page 1 (Tab A)

Item No. 3: DISCUSSION OF THE GID FUNDING OF THE SKITTLES LIFTS
RELATING TO THE HOURS OF OPERATION AND GID MILL LEVY
(Time: 25 Minutes)
--Russ Forrest and Marianne Rakowski Page 4 (Tab B)

Item No.4: APPROVAL OF MEETING MINUTES FOR
 • October 19, 2009
 • December 7, 2009
 Page 7 (Tab C)

Item No. 5: ADJOURNMENT

SNOWMASS VILLAGE TOWN COUNCIL
REGULAR MEETING AGENDA
APRIL 19, 2010

PLEASE NOTE THAT ALL TIMES ARE APPROXIMATE – ITEMS COULD START EARLIER OR LATER THAN THE STATED TIME

CALL TO ORDER AT 5:45 P.M.

Item No. 1: ROLL CALL

Item No. 2: PUBLIC NON-AGENDA ITEMS
(5-minute time limit)

Item No. 3: COUNCIL UPDATES

Item No. 4: RESOLUTION 19, SERIES OF 2010- APPOINT EX-OFFICIO TO THE MARKETING GROUP SALES AND SPECIAL EVENTS BOARD
(Time: 5 Minutes)
ACTION REQUESTED OF COUNCIL: Approve, Modify or Deny Resolution No. 19, Series of 2010
--Rhonda Coxon.....Page 13 (Tab D)

Item No. 5: SUMMER CONCERT SERIES PLANS FOR ALCOHOL SALES
(Time: 45 Minutes)
ACTION REQUESTED OF COUNCIL: Review and comment on plans for Summer Concerts series.
--Russell Forrest.....Page 18 (Tab E)

Item No. 6: RESOLUTION NO. 20, SERIES OF 2010 – WAIVER/DEFERRED REQUEST OF CERTAIN APPLICATION SUBMISSION ITEMS – TIMBERLINE CONDOMINIUM MINOR PUD AMENDMENT
ACTION REQUESTED OF COUNCIL: Approve, Modify or Deny Resolution No. 20, Series of 2010
--Chris Conrad.....Page 23 (Tab F)

Item No. 7: SUMMARY OF LAND USE CODE AMENDMENTS TO IMPLEMENT THE COMPREHENSIVE PLAN
(Time: 30 Minutes)
ACTION REQUESTED OF COUNCIL: Review and comment on the list of proposed Land Use Code Amendments.
--Chris Conrad.....Page 28 (TAB G)

Item No. 8: SCOPE OF WORK FOR URBAN RENEWAL AUTHORITY
(Time: 45 Minutes)
ACTION REQUESTED OF COUNCIL: Provide direction to staff on next steps.
--Russ Forrest.....Page 32 (Tab H)

Item No. 9: SECOND READING – ORDINANCE NO. 8 SERIES OF 2010 –
FAB RESPONSIBILITIES
(Time: 15 Minutes)
A CTION REQUESTED OF COUNCIL: Approve, Modify or Deny
Second Reading of Ordinance No. 8, Series of 2010
--John Dresser.....Page 57 (Tab I)

Item No. 10: MANAGER'S REPORT
(Time: 10 minutes)
--Russell Forrest.....Page 60 (Tab J)

Item No. 11: AGENDA FOR NEXT TOWN COUNCIL MEETING
.....Page 64 (Tab K)

Item No. 12: APPROVAL OF MEETING MINUTES FOR:
• March 15, 2010
.....Page 66 (Tab L)

Item No. 13: COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS
.....Page 72 (Tab M)

Item No. 14: ADJOURNMENT

NOTE: Total time estimated for meeting: Approx .5 hours
(excluding items 1-3 and 10 –143)
ALL ITEMS AND TIMES ARE TENTATIVE AND SUBJECT TO
CHANGE WITHOUT FURTHER NOTICE. PLEASE CALL THE
OFFICE OF THE TOWN CLERK AT 923-3777 ON THE DAY OF
THE MEETING FOR ANY AGENDA CHANGES.

PLEASE JOIN TOWN COUNCIL FOR A SOCIAL AT **TASTER'S** AFTER
TONIGHT'S MEETING.
(If the Meeting ends before 9:00 p.m.)

MEMORANDUM

TO: General Improvement District Board

FROM: Russ Forrest, GID Advisory Board
Marianne Rakowski, GID Advisory Board

DATE: April 19, 2010

SUBJECT: Discussion on the GID mill levy

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

The GID Board inquired as to the possibility of increasing the GID mill levy to help support the GID operating and maintenance costs.

Action: No action required at this point unless the GID Board would like staff to continue to pursue this.

Attachments: Letter from Calvin Hansen, Sherman & Howard

II. DISCUSSION ISSUES

At the December 7, 2009 GID Board meeting, the GID Board inquired as to the possibility of increasing the GID mill levy to support operations.

Attached is a letter with some of the history behind the mill levy discussions prepared by Calvin Hansen of Sherman and Howard. If the GID Board would like to pursue this further, please provide staff with further direction.

III. STAFF RECOMMENDATIONS AND FINDINGS

The GID advisory board recommends (due to the current economic climate) waiting two to three years when we have a better idea of future assessed values and property tax impacts to look at this issue again.

+

March 10, 2010

Town Council, Town Manager and
Director of Finance
Town of Snowmass Village
16 Kearns Road
Snowmass, Village, Colorado 81615

Re: Snowmass Village General Improvement District No. 1 Operations

Ladies and Gentlemen:

Due to the concern over the limited funds available to operate improvements managed by the Snowmass Village General Improvement District No. 1 (the "GID"), including operation of the Sky Cab and snowmelt facilities, Town staff asked us to summarize the legal constraint on tax revenues for that purpose.

In September of 2006 the Town and the Base Village Metropolitan Districts No.1 and No.2 (the "Base Village Districts"), entered into an Intergovernmental Agreement (the "IGA") concerning, among other matters, limitations on tax levies. In November of 2006 a GID election was held modifying the GID's ability to levy taxes for operating expenses.

At the November 2006 election, GID voters approved an operating levy of not more than 20 mills for levy years 2006, 2007 and 2008 and a mill levy of not more than 10 mills in any year thereafter. This approval was anticipated by the IGA and is subject to the terms of the IGA.

The IGA provides for a cap on the combined mill levies of the GID and the Base Village Districts of 49.5 mills. Of this amount the Base Village Districts are authorized under the IGA to levy up to 37.5 mills for debt retirement and 6 mills for operating expenses. The GID's mill levy is limited to 6 mills for operating expenses until such time as certain "Subordinate Debt" is repaid. The Subordinate Debt includes a contribution by the Town of Snowmass Village of \$2,000,000 to a traffic roundabout and a \$2,200,000 contribution by the developer for reimbursable public improvements. Because the tax levy imposed by the Base Village Districts must be used to pay debt service on certain Limited Tax Variable Rate Bonds issued in 2008, there is no current source of revenue to pay the Subordinate Debt. Therefore, the 6 mill levy is expected to be in effect for the foreseeable future until certain financial tests are met which permit the issuance of unlimited tax refunding bonds by the Base Village Districts.

Sherman & Howard L.L.C.

Town of Snowmass Village, Colorado

March 10, 2010

Page 2

The distribution of the capped mill levy was subject to extensive negotiation and it was acknowledged at the time the IGA was entered into that in some scenarios the GID operating mill levy might prove to be insufficient. In that regard the IGA includes the following language:

“Further, the Parties to this Agreement acknowledge that, in the event of insufficient moneys from its O&M Mill Levy, the governing body of the GID may determine, among other things, to materially limit the days and/or hours of operation of the Pulse Gondola outside of the financial responsibility of Aspen LLC and/or limit the snowmelt operation.”

The IGA provides that it may be amended with the consent of the parties. With that consent, which may be contested by certain guarantors of the Base Village bonds who are third party beneficiaries of the IGA, the Town could levy an additional 4 mills within the GID without further voter authorization. Any greater levy would require voter approval within the GID.

There are several statewide ballot initiatives on the November 2010 ballot. Amendment 60 provides that voter approved tax increases be limited to the dollar amount stated in the ballot question as the first full fiscal year tax increase. If applied to the GID ballot question this would result in a \$275,500 limit on GID collections. There are other collateral impacts on municipal finance contained in the proposed amendments which are beyond the scope of this letter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'C. Howard', written over a horizontal line.

MEMORANDUM

TO: General Improvement District Board

FROM: Russ Forrest, GID Advisory Board
Marianne Rakowski, GID Advisory Board

DATE: April 19, 2010

SUBJECT: Discussion on the summer operating hours for the Sky Cab

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

The GID Board requested that the GID Advisory board present proposed summer operating hours for the Sky Cab in the spring, which is funded through the GID budget.

Action: Direct Town staff to hire the Aspen Skiing Company to operate the Sky Cab in the summer based on the operating hours that are decided by the GID Board.

Attachments: GID 2010 Adopted budget with 2009 Actuals
Sky Cab winter and proposed summer operating hours

II. DISCUSSION ISSUES

Attached is the GID Budget Summary, which includes 2009 Actual numbers. 2009 ended with an additional \$44,277 mostly due to reduced costs for the summer operating hours of the Sky Cab.

The 2010 adopted budget includes \$150,000 for the operations of the Sky Cab. The attached proposed Sky Cab budget is similar to the 2009 operations with the exception that it is proposed to run seven days/week versus the five days/week in 2009. This budget also proposes starting operations at 10:00 a.m. instead of 11:00 a.m. and ending at 8:30 p.m. as opposed to 9:00 a.m. The cost to run the winter and the proposed summer operations is \$150,969.

At the December 2009 board meeting, Steve Sewell presented a much lower revised hourly rate for the ASC to run the Sky Cab in 2010. He has since presented an additional reduced rate for the summer operating hours of 10:00 a.m. to 4:00 p.m., which we incorporated into the attached worksheet.

H.

04-19-10 gid sky cab

Mem

Page 2 of 2

The GID Advisory Board met on March 17, 2010 to discuss the summer operating hours for the Sky Cab. Susan Hamley was also in attendance. The GID Advisory Board is recommending the attached proposed Sky Cab summer operating hours.

III. STAFF RECOMMENDATIONS AND FINDINGS

The GID Advisory Board recommends proceeding with the proposed summer operating hours as attached.

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Full Week of Operations

Sky Cab Operating Costs ---2010 Operations

	Hours per day	# of days	Plus: 1 hr/day Start up/shut down	Total # of hours	Per hour rate
Winter non-ski hours (Jan 1 - April 12)					
Mon through Sun	4	102	102	510	\$ 76.76 From 10:00 a.m. to 4:00 p.m. \$ 96.34 All other hours \$ 116.00 Maintenance person on-stie \$49,133 @ \$96.34
Summer (June 18-Sept 6)					
Mon - Sun	6	81	40.5	526.5	\$40,414 @ \$76.76
Mon - Sun	4.5	81	40.5	405	\$39,018 @ \$96.34
Chili Pepper - Friday	11.5	1	1	12.5	\$1,450 @ \$116.00
Chili Pepper - Saturday	12.5	1	1	13.5	\$1,566 @ \$116.00
Balloon/Wine-Saturday	10	1	1	11	\$1,276 @ \$116.00
Thursday concerts	1	8	0	8	\$771 @ \$96.34
Winter non-ski hours (Nov 26 - Dec 31)					
Mon through Sun	4	36	36	180	\$17,341 @ \$96.34

TOTALS				1666.5	\$ 150,969
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Option Add	Cost per day	# of Days	Total
11 a.m. - 9 p.m.	10	1	11
June	31	13	November
July	28	31	December
August	31	31	31
September	12	6	36
Total	102	81	

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3 SNOWMASS VILLAGE
4 GENERAL IMPROVEMENTS DISTRICT NO. 1
5 REGULAR MEETING MINUTES
6 MONDAY, OCTOBER 19, 2009
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9 Item No.1 ROLL CALL

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11 GID Board Member Boineau called to order the Meeting of the General Improvement
12 District on Monday October, 19, 2009 at 3:34 p.m.
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15 G.I.D BOARD MEMBERS Mayor Bill Boineau, Reed Lewis, Markey
16 PRESENT: Butler and John Wilkinson
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18 G.I.D BOARD MEMBERS Arnold Mordkin
19 ABSENT:
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21 STAFF PRESENT: Russ Forrest, Town Manager; Hunt Walker,
22 Public Works Director; David Peckler,
23 Transportation; Chris Conrad, Planning
24 Director; Jim Wahlstrom, Senior Planner;
25 Rhonda B. Coxon, Town Clerk; John Dresser,
26 Town Attorney; Marianne Rakowski, Finance
27 Director
28

29 PUBLIC PRESENT: None
30

31 Item No. 2 RESOLUTION NO. 1, SERIES OF 2009 - AMENDING THE 2009 GID
32 BUDGET
33

34 Finance Director Marianne Rakowski stated the 2009 Budget is revised to record a
35 decrease in interest income and specific ownership revenues. The amended budget
36 also decreases the operating and maintenance services to reflect lower costs for the
37 snow melting of Lower Carriageway/Wood Road. The change in fund balance with the
38 above adjustments is an increase of \$106,841.
39

40 John Wilkinson made the motion to approve GID Resolution No. 1, Series of 2009
41 amending the 2009 budget and appropriating funds. Reed Lewis seconded the motion.
42 The motion was approved by a vote of 4 in favor to 0 opposed. Board Member Mordkin
43 was absent.
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45 Voting Aye: Bill Boineau , Markey Butler, Reed Lewis, and John Wilkinson.

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Voting Naye: None.

Item No. 3 RESOLUTION NO 2, SERIES OF 2009 - ADOPTING THE 2010 GID BUDGET

Finance Director Marianne Rakowski spoke to the 2010 budget, projects operating expenditures for legal, administration, audit, insurance, snow melting, and sky cab operating costs for a total budget amount of \$371,733. She noted these expenditures are supported by property taxes assessed on the General Improvement Districts area and year-end carryover. The fund balance for 2010 is projected to be \$361,606. Rakowski noted the mill levy for this district was 20 mils for 2007, 2008, and 2009. In 2010 and thereafter the budgeted mill levy is 6 mills in accordance with the approved ballot language. The amount budgeted for the Sky Cab operations in 2010 is \$150,000 a decrease of \$87,965 from 2009 revised budget. She asked the Town Council to discuss the Sky Cab budget and provide direction to staff.

The Town Attorney John Dresser stated that the GID ownership is only required to run the Sky Cab during the Winter Ski Season during skiing hours. The right is with the Hive Building and the GID does not have a legal right to operate the skittles during the summer.

After a lengthy discussion the Board consensus was to reduce the hours of operation for the Sky Cab January 1 through April 11, be changed from 4:00 p.m. to 10:00 p.m. to 4:00 p.m. to 8:00 p.m. at night.

Markey Butler made the motion to approve GID Resolution No. 2, Series of 2009 as amended by the reduction of the hours of operation for the Sky Cab and to also direct staff and Town Council to negotiate with the owners of the Hive Building for an easement. Reed Lewis seconded the motion. The motion was approved by a vote of 3 in favor to 1 opposed. Board Member Wilkinson opposed and Board Member Mordkin was absent.

Voting Aye: Bill Boineau, Markey Butler, and Reed Lewis.

Voting Naye: and John Wilkinson.

Item No. 4 APPROVAL OF THE GID MINUTES FOR JUNE 1, 2009 AND JULY 20, 2009

The Town Council provided the Town Clerk with amendments to the minutes.

John Wilkinson made the motion to approve the GID minutes for June 1, 2009 and July 20, 2009 as amended Markey Butler seconded the motion. The motion was approved

-8-

88 by a vote of 4 in favor to 0 opposed. Board Member Mordkin was absent.

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90 Voting Aye: Bill Boineau , Markey Butler, Reed Lewis, and John Wilkinson.

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92 Voting Naye: None.

93 Item No. 5 ADJOURMENT

94

95 **At 4:09 p.m.**

96

97 Reed Lewis made the motion to adjourn the GID Meeting on Monday, October 19,
98 2009. Markey Butler seconded the motion. The motion was approved by a vote of 4 in
99 favor to 0 opposed.

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101 Voting Aye: Bill Boineau , Markey Butler, Reed Lewis, and John Wilkinson.

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103 Voting Naye: None.

104 Submitted By,

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108 _____
Rhonda B. Coxon, CMC

109 Secretary for the GID

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1 SNOWMASS VILLAGE
2 MEETING MINUTES
3 GENERAL IMPROVEMENT DISTRICT NO 1.
4 MONDAY, DECEMBER 7, 2009

5 CALL TO ORDER AT 330 P.M.

6
7 GID Board Member Boineau called to order the Meeting of the General Improvement
8 District on Monday, December 7, 2009, at 3:43 p.m.

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10 Item No. 1 ROLL CALL

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13 BOARD MEMBERS PRESENT: Bill Boineau, John Wilkinson, and Reed Lewis.

14 BOARD MEMBERS ABSENT: Arnold Mordkin, and Markey Butler.

STAFF PRESENT: Russ Forrest, Town Manager; Hunt Walker, Public Works Director; John Dresser, Town Attorney; Rhonda B. Coxon, Town Clerk, Marianne Rakowski, Finance Director

15 PUBLIC PRESENT: Madeleine Osberger. Rick Griffin, Steve Sewell, David
16 Perry, Fred Kucker and other members of the Public
17 interested in Today's Agenda items.

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19 Item No. 2 RESOLUTION NO 03, SERIES OF 2009 - LEVYING PROPERTY TAXES
20 FOR THE GID

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22 Town Manager Russ Forrest stated that there is some good news of Steve Sewell from
23 the Aspen Skiing Company regarding the numbers significantly dropping for the running
24 of the skittles in the summer.

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26 Madeleine Osberger asked what actually changed the numbers and Steve Sewell
27 explained a reduction in staff attributed to the reduction.

28
29 Finance Director Marianne Rakowski spoke to the Mill Levy. Town Council Members
30 Lewis and Wilkinson are not in agreement with the Mill Levy and the GID budget. They
31 would like some very serious discussions in the near future in regarding to the budget of
32 the GID. There is a need to go through the motions to change the bond limit.

33
34 Reed Lewis made the motion to approve Resolution No. 3, Series of 2009 Levying
35 Property Taxes for the GID Mayor Bill Boineau seconded the motion. The motion was
36 approved by a vote of 2 in favor to 1 opposed.
37

38 Voting Aye: Mayor Bill Boineau, and Reed Lewis.

39

40 Voting Nay: John Wilkinson.

41 Reed Lewis made the motion to approve the request for a reconsideration GID
42 Resolution No. 3, Series of 2009 Mayor Bill Boineau seconded the motion. The motion
43 was approved by a vote of 3 in favor to 0 opposed.

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45 Voting Aye: John Wilkinson, Reed Lewis, and Mayor Bill Boineau.

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47 Voting Nay: None.

48 Reed Lewis made the motion to approve the GID Resolution No. 3, Sereis of 2009 as
49 presented by the Finance Director. Mayor Bill Boineau seconded the motion. The
50 motion was approved by a vote of 3 in favor to 0 opposed.

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52 Voting Aye: John Wilkinson, Reed Lewis, and Mayor Bill Boineau.

53

54 Voting Nay: None.

55 Town Council directed the GID Advisory Board to reconvene before summer and work
56 on Ballot language for a question to the ownership and the Mill Levy limit.

57

58 Mayor Bill Boineau made the motion to approve the reconvening of the GID Board Reed
59 Lewis seconded the motion. The motion was approved by a vote of 3 in favor to 0
60 opposed.

61

62 Voting Aye: Mayor Bill Boineau, John Wilkinson, and Reed Lewis.

63

64 Voting Nay: None.

65 Item No. 3 ADJOURNMENT

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67 **At 4:11 p.m.**

68

69 John Wilkinson made the motion to adjourn the GID Board Meeting of December 7,
70 2009 Mayor Bill Boineau seconded the motion. The motion was approved by a vote
71 of 3 in favor to 0 opposed.

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73 Voting Aye: Mayor Bill Boineau, John Wilkinson, and Reed Lewis.

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75 Voting Nay: None.

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77 Submitted By:

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Rhonda B. Coxon, Secretary

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MEMORANDUM

TO: Snowmass Village Town Council

FROM: Rhonda B. Coxon, Town Clerk

DATE: April 19, 2010

SUBJECT: **RESOLUTION NO. 19, SERIES OF 2010**
**A RESOLUTION APPOINTING AN EX-OFFICIO MEMBER TO THE TOWN OF
SNOWMASS VILLAGE MARKETING, GROUP SALES AND SPECIAL
EVENTS BOARD**

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL

Section 8.1 of the Home Rule Charter stated that members of all boards and commissions shall be appointed by the Town Council.

Interview applicant, approve, modify or deny Resolution No. 19, Series of 2010

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 19
SERIES OF 2010**

A RESOLUTION APPOINTING AN EX-OFFICIO MEMBER TO THE TOWN OF SNOWMASS VILLAGE MARKETING, GROUP SALES AND SPECIAL EVENTS BOARD

WHEREAS, Section 8.1 of the Home Rule Charter states that members of all boards and commissions shall be appointed by the Town Council; and

WHEREAS, there is a vacancy on the Marketing, Group Sales and Special Events Board for the ex-officio position thereon; and

WHEREAS, Dwayne Romero has expressed an interest to serve on the Marketing, Group Sales and Special Events Board; and

WHEREAS, Section 2-313 states that the Marketing, Group Sales and Special Events Board shall consist of seven (7) members and one (1) ex-officio member and Sub-Section (7) thereof, states one ex-officio member of the board to be appointed by the Town Council to represent the ongoing development business in the Town; and

WHEREAS, Dwayne Romero is a representative of the ongoing development business in the Town; and

WHEREAS, said ex-officio member of the Marketing, Group Sales and Special Events Board shall be non-voting member but shall enjoy all other rights of Board membership, including the right to be present during executive sessions of the Board.

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

Section One: Appointments and Terms

That the following citizen is hereby appointed to the serve as follows:

MARKETING, GROUP SALES
AND SPECIAL EVENTS BOARD

Term

Dwayne Romero

April 19, 2010 to January 1, 2011

Section Two: 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.

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INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on the 19th day of April 2010 upon a motion made by Council Member _____, the second of Council Member _____. By a vote of ___ in favor and ___ opposed.

TOWN OF SNOWMASS VILLAGE

BILL BOINEAU, Mayor

ATTEST:

RHONDA B. COXON, Town Clerk

APPROVED AS TO FORM

JOHN C. DRESSER JR., Town Attorney

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TOWN OF SNOWMASS VILLAGE
Application for Board/Commission Position

- | | | | |
|-------------------------------------|---|--------------------------|----------------------------|
| <input type="checkbox"/> | Board of Appeals and Examiners | <input type="checkbox"/> | Liquor Licensing Authority |
| <input type="checkbox"/> | Financial Advisory | <input type="checkbox"/> | Planning Commission |
| <input type="checkbox"/> | Citizens Grant Review | <input type="checkbox"/> | Arts Advisory |
| <input checked="" type="checkbox"/> | Marketing, Group Sales & Special Events | <input type="checkbox"/> | 2 ND Homeowners |

Name: ROMERO, WAYNE		Home Phone:
		Email: dromero@ RELATEDWESTPAC.COM
Physical Home Address: City: 1240 MTN VIEW DRIVE ASPEN, CO 81611	ST. & ZIP:	Permanent Residence?: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, place of Permanent Residence:
Mailing Address: 1240 MTN VIEW DRIVE ASPEN, CO 81611		
Business Mailing Address: POB 0565, SMV, CO 81615		Office Phone: 970.205.1950
Email address: DROMERO@RELATEDWESTPAC.COM		
Employed With: RELATED WESTPAC		Position: PRESIDENT

Are you Registered to Vote in Snowmass Village: Yes or No

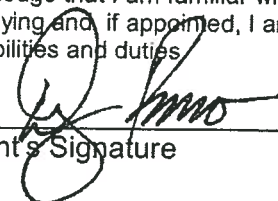
List the Experience or Education which may qualify you for this position:

SEE EMAIL

Why do you wish to be appointed to this position?

SEE E-MAIL

I acknowledge that I am familiar with the qualifications, duties and responsibilities of the position for which I am applying and, if appointed, I am ready, willing and able to take an oath as well as accepting the responsibilities and duties.


 Applicant's Signature

3.28.10
 Date

Return to: Town Clerk, Town of Snowmass Village, Box 5010, Snowmass Village, CO 81615
 p:\shared\clerk\boards\lapp.b&c

16

Dear Susan,

Attached is a copy of TOSV application for Board/Commission Position filled out by Dwayne Romero. Because I was unable to squeeze in all the info on the application I decided to include it in the body of this email. Please read below.

Experience or education that qualifies you for this position:

Dwayne Romero has developed high-end resort-oriented real estate for over 15 years and brings a broad range of leadership capabilities to the TOSV Marketing Board. Currently, he serves as President of Related WestPac where he is responsible for all day-to-day general management of the company's business operations in Snowmass Village. Prior to his real estate career, Romero served with distinction in the United States Army, both stateside as a Planning & Operations Officer for the Corps of Engineers, and in a leadership role in combat in the Persian Gulf War.

A graduate of West Point and Harvard Business School, Romero currently serves as a City of Aspen councilman, an office he has held since June 2007. He is on the Board of Directors of the Aspen Fire Protection District, and is a past president of Roaring Fork Leadership. In 2005, Romero was the recipient of the Roaring Fork Leadership Alumni Leadership Award.

Why do you wish to be appointed to this position?

I believe my management experience in resort development and my experience as a resort city councilman gives me a background and viewpoint that augments the current members of the TOSV Marketing Board. I would hope that in my role as President of Related WestPac I can help assist the Marketing Board as they make strategic marketing decisions for the future of Snowmass tourism.

Thanks and let me or Steve A. know if you have any questions.

Best regards,
Justyna K. Zack

MEMORANDUM

TO: Snowmass Village Town Council

FROM: Russell Forrest

DATE: April 19, 2010

SUBJECT: **Free Summer Concert Series Plans For Alcohol Sales**
Russ Forrest, Town Manager

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

The issue of creating a policy for how to handle net proceeds from liquor service at the Summer Concert series was raised during the marketing budget approval process for the 2010 budget. The Town Council did approve the 2010 budget with the assumption that net proceeds from liquor service would be used to offset the overall net loss of the event. The issue of whether Council would like to provide any further policy direction for 2011 Concert series was still left unanswered. The Marketing, Group Sales, and Special Events Board is requesting that the Town Council would develop (if they choose) any policy concerning the disposition of net proceeds derived from liquor sales at the Summer Concert Series commencing with the 2011 Summer Concert Series.

II. BACKGROUND

On March 17, 2007, a regularly scheduled Town Council meeting was held to allow public input on the Concert Series obtaining a special events liquor permit. Direction provided by Council during the comments was focused on ensuring drink prices were affordable and adequate service was provided to avoid long lines (See attachment A for minutes). From a review of the minutes of that meeting it appears that no formal policy was adopted by the Town Council at this meeting.

In 2007 a Colorado Not for Profit called Music for the Mountains/Snowmass Arts Appreciation Fund applied for and received the Liquor License for the Thursday Summer Concert Series. The Music for the Mountains/Snowmass Arts Appreciation Fund pays for the alcohol and received the revenue from liquor proceeds. It supports its non-profit organization's mission of fostering music by contributing any net proceeds to the Snowmass Free Concert Series to help reduce the cost to put on the overall event.

The 2010 Marketing and Special events budget has been approved including the retention of all net proceeds (received as a donation from the Music for the Mountains/Snowmass Arts Appreciation Fund) derived from the liquor sales in

18-

order to defray net losses resulting from the production of the Summer Concert Series.

The net contributions from Music for the Mountains/Snowmass Arts Appreciation Fund depends on the number of concerts, weather, and attendance and therefore, the net liquor proceeds has varied over the last three years. In 2009, the bar netted \$10,525 and also brought in \$6,000 specifically related to an alcohol sponsorship. The total net loss for the overall Free Series event after bar and sponsorship in 2009 was \$84,000.

III. ACTION REQUESTED OF COUNCIL

Since it does not appear from a review of Town records that the Town Council ever formally adopted a policy concerning the disposition of net proceeds derived from liquor sales, the Marketing, Special Events & Group Sales Board is requesting Council set a policy regarding the net proceeds attributable to liquor sales for the Summer concert series starting with the series in the Summer of 2011.

IV. STAFF RECOMMENDATIONS

Liquor expenses and revenues are realized by the Liquor licensee which is a Colorado not for profit organization. Given that the relationship with the MFTM/SAAF through the continued contribution of its net liquor proceeds to the Summer Concert Series will help offset the net loss of the overall event, staff recommends the Town continue to maintain that relationship and continue to provide liquor at the same low prices offered over the last three years for the Free Concert Series going forward.

MEMORANDUM

TO: Russ Forrest
Town Manager

FROM: Rhonda B. Coxon, CMC
Town Clerk

DATE: March 16, 2010

SUBJECT: Summer Concert Series – March 19, 2007 Minutes

Per your request I have reviewed the minutes and the video for the March 19, 2007 Town Council Meeting regarding this item.

[Item No. 3 Review of the Marketing, Groups Sales and Special Events Board's Program for the 2007 Summer Concert Series](#)

The minutes are a true and accurate record of the proceedings during the Town Council Meeting on March 19, 2007. There was a brief introduction by the Town Manager, legal interpretation by the Town Attorney and a brief explanation from the Marketing Director.

The Town Council took public comment, then Council Comments and Public Comments again. The minutes from that meeting have been inserted below. The only other comment worth noting is that Mercatoris and Sparhawk asked for inexpensive drink prices and overstaff the bars to avoid lines.

[Item No.3 REVIEW OF THE MARKETING, GROUP SALES AND SPECIAL EVENTS BOARD'S PROGRAM FOR THE 2007 SUMMER CONCERT SERIES](#)

Town Manager Russ Forrest began the discussion. He stated the staff appreciates the community's concern and the importance of this event to the community.

Town Attorney John Dresser said the state statute addresses the public consumption not the open container law. Our Municipal Code is superseded by state law which means we as a Municipality cannot suspend state law to allow public consumption.

The Police Officers of this town take an oath to uphold the statues of the law. Susan Hamley spoke to the decision. It is illegal to have the BYOB policy and we are working to still provide a wonderful event but to have it be a legal event.

David Chambers owner of Goodfellows Pizza, feels this is competition with his sales and why can't one of the bars in business expand their liquor license. He is against another bar in the area or on the site.

Greg Rulon Snowmass Resident inquired why we are the only ones in the valley that seems compelled to enforce this law.

Jeff Johnson Snowmass Village Resident inquired about the process for this decision and why was it decided in an Executive Session. What about the second homeowner who wants the finer bottle of wine. Maybe we should contact our state representative that lives right here is Snowmass Village.

Brad Barker Snowmass Village Resident stated the lines will start with traffic to get here, a line to park, and now a line to check bags and a line to get a drink. He feels this will turn common people into criminals bringing in their preferred choice of alcohol.

Matt Owens, a three year resident of Snowmass Village has heard of the complaints regarding fights and under age drinking and he feels the Town of Snowmass Village is using the state law a way out due to the fights and under age drinking.

Sherry Flack Snowmass Village Retailer thinks that the law hasn't changed and that Snowmass Village is trying to get rich off the law.

Rick Neeley former Snowmass Village resident, now lives down valley, feels this is not the proper interpretation of the law and he would hate to see the loss of BYOB. He also feels this should go to the state legislature.

Council Member Arnold Mordkin assured the public that this decision was not made by Town Council in an Executive Session. What we have is a state law that a person may not consume alcohol in a public place. A violation by the statute is a petty offence by fine. The police officers are not directed to violate the law.

Enforcing the public consumption law is not as important as under age drinking and over consumption and other crowd control issues. He feels the real trouble will begin when the Town obtains a license and then become liable.

Council Member John Wilkinson stated that the Marketing and Special Events board could set policy for all programs and events. He stated that the Town Council was only to be involved overseeing the budget. He asked about the consequences if we choose to ignore the statute. He would like the Chief of Police to address at later time.

Mayor Mercatoris stated this summer concert series is very near and dear to him and he appreciates the staff trying to make the event legal and as painless as possible and this is now a Marketing and Special Events department. As Mayor of the Town of Snowmass he took an oath and he would never suggest that the Police Department look the other way for anything illegal. He supports the staff decision in this matter.

Council Member Sally Sparhawk expressed her discontent with the law but feels we must abide by it.

Council Member Reed Lewis stated the law said Public places and this is on Private property. How does the attorney does interpret this? He does not feel it appropriate for the Town to be in the alcohol business. He feels there should be continued discussion and in the mean time he encourages people to break the law as they can't arrest us all at the same time.

Marketing Director Susan Hamley stated her commitment to offer a selection of beer and wine and she will take all suggestions into consideration when finalizing the event and the permits.

Steve Alldredge of the *Snowmass Sun* stated he takes great issue about the comments made by Council Member Mordkin about the *Snowmass Sun* reporting of this matter.

Kay Honigman-Singer stated this will highly impact the local businesses and this is a steam roller out of control. She feels the law and statute is all open to interpretation.

Jeff Sivess Snowmass Village Resident stated this is a wonderful event and let's not jeopardize the event. Let's look into this further. He feels that the incidents are happening after the event on the hill not during the event and that's when we should enforce the law.

Bob Bateman Snowmass Village Resident lets work through this and work things out. Appreciates the clarification from Town Council regarding this issue.

Sherry Flack Snowmass Village retail owner we are not liable now but if we change we will be liable.

Dennis Burns a Snowmass Village resident spoke to the waiting in lines and people with kids are now going to have to wait in lines to have bags checked.

Jeff Johnson Snowmass Village Resident would like to see more security and will be behind Council Member Mordkin and Lewis and protest they can't arrest them all and he also suggested deny the special events permit.

Matt Owens a Snowmass Village resident feels no matter what happens he feels security should be increased.

Brad Barker a Snowmass Village resident thinks we will see an increase in people drinking prior to the concerts and this will not be a safe situation for anyone.

Joe Farrell Snowmass Village Resident stated that there have been three other legal opinions stated tonight and would like the Town Attorney to talk with these people for conclusion regarding the law.

Town Council took a 10 Minute break at this time.

Please let me know if I can be of further assistance!

22-

MEMORANDUM

TO: Snowmass Village Town Council

FROM: Planning Department

DATE: April 19, 2010

SUBJECT: RESOLUTION NO, 20, SERIES OF 2010 - WAIVER/DEFERRAL
REQUEST OF CERTAIN APPLICATION SUBMISSION ITEMS
TIMBERLINE CONDOMINIUM MINOR PUD AMENDMENT.

Applicant: Timberline Condominium Association, Inc.
Represented by: Elk Mountains Planning Group, Inc. (Julie Anne Woods)

Planner: Chris Conrad, Planning Director

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

The Timberline Condominium Association, Inc. ("Applicant") is requesting a waiver or deferral of certain submission data requirements for a Minor PUD Amendment application, as outlined in Section 16A-5-390(2)(b) of the Snowmass Village Municipal Code ("Municipal Code"). A copy of the Applicants' waiver request may be found on Page 6 within Tab 1 of the application notebook and the specific waivers/ deferrals are outlined below.

Action Requested: Approve, modify or deny Resolution No. 20, Series of 2010.

II. SUMMARY OF DESCRIPTION PROJECT:

The Applicant proposes to upgrade the facilities around the pool area and the grounds within the complex. The exterior improvements will be located near the existing pool area and will include a new replacement pool with integrated spa and a separate spa with waterfall feature that will be located southeast (toward the ski run) of the existing facility. The existing pool area will be filled in and will be used as a flex space with seating and gardens to hold small weddings and special events.

Adjacent to the new pool and spa area and attached by a common wall to the existing 1,390 s.f. meeting area will be a new exercise building with lockers and a steam room addition being approximately 1,137 s.f. in size. The existing mechanical space will remain and a new mechanical room will be incorporated into the new addition. A portion of the lodge building (that contains approximately 493 s.f. for the existing laundry area) will be removed and new laundry facilities will be placed in the former exercise area of the existing meeting/conference area/athletic facility.

The Applicant also proposes the addition of a hot tub/spa (approximately 16' x 8') in the courtyard between Buildings J-3 and J-4. This spa will be partially submerged into the ground and will be landscaped. Plans for both of these facilities are included under Tabs 10 and 11 of the application notebook.

III. BACKGROUND:

It was determined during the pre-application conference that the transportation impact analysis and air quality analysis could be administratively waived if certain criteria were met and the project was not anticipated to increase traffic or impact air quality. Pursuant to Sections 16A-5-340(c)(2)(o) (Transportation Impact Analysis) and 16A-5-340(c)(2)(p) (Air Quality Analysis), the planning director is allowed to waive both reports if the proposal contains less than five (5) dwelling units or less than two thousand (2,000) square feet of non-residential space and it is determined that the impacts generated by the development are negligible such that requiring a detailed analysis would not be warranted. The Applicant has received an administrative waiver of these two submission requirements.

The Applicant is requesting Town Council approval at this time to waive the need to submit a Fiscal Impact Report, Brush Creek Impact Report and Wildlife Habitat Analysis as it is felt that the proposed improvements will have a minimal impact. They are also requesting that the following information be deferred until building permit submittal:

1. Final landscape plan with irrigation;
2. Energy conservation plan; and
3. REMP calculations.

They state within the request that: "It is not our intention to eliminate these submittal requirements, but to allow the amendment request to proceed on a timely basis as the project evolves with input from Staff, agencies, the Planning Commission, Town Council and the public. Submitting at time of building permit will save TCA time and money."

Please refer to the application placed in the council boxes for further detail. A copy of the application is also available for public viewing at the Town Planning Department.

IV. APPLICABLE REGULATIONS :

Section 16A-5-50(a) of the Municipal Code requires that the Planning Director must determine whether the proposed Minor PUD Amendment application is complete prior to accepting it for processing. If incomplete, an authorization to waive or defer any application items must first be granted by the Town Council pursuant to Section 16A-5-50(a)(1). The resolution specifies that the Town Council reserves the right to require that any material initially waived or deferred may be required to be submitted by the applicant at any time during the review process if needed to evaluate the applicant's proposal.

V. DISCUSSION ITEMS: ALTERNATIVES AND IMPLICATIONS:

Waiver Items:

Fiscal Impact Report: (Section 16A-5-340(c)(2)(g)) The proposal involves improvements that should have no discernable financial impact. Staff recommends that this report not be required.

Brush Creek Impact Report. (Section 16A-5-340(c)(2)(r)) The project is not located within the Brush Creek Impact Area nor is it expected to have an impact on Brush Creek. Staff recommends that this report not be required.

24-

Wildlife Habitat Analysis. (Section 16A-5-340(c)(2)(s)) The project is not located within lands designated as sensitive wildlife habitat. Staff recommends that this report not be required.

Deferral Items:

Final Landscape Plan with Irrigation. While it would be preferred that a final landscaping plan be available for review prior to granting final approval, the scale of the project would permit consideration of deferring this requirement until building permit review. The Applicant needs to be aware that staff will recommend that a condition be applied to final approval outlining minimal landscaping requirements for the project and providing for Town Council or Planning Commission review should the Applicant wish to appeal the determination of the Planning Director regarding the landscape plan submitted at that time of building permit application.

Energy Conservation Plan. Section 16A-4-330, Energy conservation, of the Municipal Code requires submission of a plan that will “optimize” the planning and utilization of all possible energy conservation features in the proposed new construction. Failure to submit a satisfactory energy conservation plan will constitute grounds for denial of the project. Again, the Applicant must understand that it will be recommended that a condition be applied that administrative approval of the plan submitted at the time of building permit submission will be required prior to permit issuance.

REMP Calculations. The Renewable Energy Mitigation Program (“REMP”) provisions apply to Chapter 18, Building Regulations, and are not a submittal requirement. The land use application does need to identify all areas intended to be snow-melted. The Renewable Energy Offset Program (“REOP”) provisions will apply. Any request for a waiver of those fees should be made to the Town Building Official and could be considered any time prior to building permit issuance.

- VI. STAFF RECOMMENDATIONS AND FINDINGS:** Staff recommends that Town Council authorize the proposed deferrals and waivers. The REMP calculations do not apply.
- VII. NEXT STEPS:** The application can be accepted by the Planning Director for processing upon adoption of the enclosed resolution.

Attachment: Resolution No. 20, Series of 2010

Handout: Application Packet (In council boxes)



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**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 20
SERIES OF 2010**

A RESOLUTION GRANTING WAIVER OR DEFERRAL OF CERTAIN SUBMISSION REQUIREMENTS FOR THE TIMBERLINE CONDOMINIUM ASSOCIATION MINOR PUD AMENDMENT APPLICATION.

WHEREAS, the Timberline Condominium Association, Inc. ("Applicant") is requesting a waiver or deferral of certain submission data requirements for a Minor PUD Amendment application; and

WHEREAS, with the application submitted March 31, 2010, the Applicant is requesting deferral of certain submission data requirements within the meaning of Section 16A-5-50(a)(1) of the Town of Snowmass Village Municipal Land Code ("Municipal Code"); and

WHEREAS, Municipal Code Section 16A-5-50(a)(1) states: "The Town Council, upon the recommendation of the Planning Director, may authorize the waiver and/or deferral of the requirement to submit certain application items if determined that they are not necessary to commence review of the application"; and

WHEREAS, Municipal Code Section 16A-5-50(a)(1) further states: "The authorization of the waiver or deferral request by the Town Council shall occur by adopting a resolution at a regularly scheduled meeting and shall reserve the right for the Town to require that any material initially waived or deferred may be required to be submitted by the applicant at any time during the review process if needed to evaluate the applicant's proposal;" and

WHEREAS, the waiver/deferral request of the Applicant was considered by the Town Council at its meeting on April 19, 2010, to receive evidence and comment from the Town Staff, the Applicant, and to provide an opportunity for comment from the public.

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

Section One: Approval of Submission Requirement Waivers and Deferral. The deferral of certain submission data requirements, being the Final landscape plan with irrigation and Energy Conservation Plan, until building permit submittal, is hereby conditionally approved. Further, the Town Council grants approval for the waiver of the requirement that the Applicant provide a Fiscal Impact Report, Brush Creek Impact Report and Wildlife Habitat Analysis for the application as currently submitted.

The Town Council shall reserve the right for the Town to require that any material initially waived or deferred may be required to be submitted by the applicant at any time during the review process if needed to evaluate the Applicant's proposal.

Section Two: Condition of Deferrals. The approval of this resolution shall be subject to satisfying the following conditions:

1. The deferred items, when submitted, shall satisfy the requirements of the Land Use and Development Code as well as the terms and conditions of the Ordinance approving the

-26-

53 Minor PUD Amendment.
54

- 55 2. The deferred submission items shall be provided, reviewed and approved by the Planning
56 Director, at his sole discretion, prior to issuance of any building permit for the
57 improvements proposed in the Minor PUD Amendment application.
58

59 **Section Three: Severability.** If any provision of this Resolution or application hereof to any
60 person or circumstance is held invalid, the invalidity shall not affect any other provision or
61 application of this Resolution which can be given effect without the invalid provision or
62 application, and, to this end, the provisions of this Resolution are severable.
63

64 **READ, APPROVED AND ADOPTED** by the Town Council of the Town of Snowmass
65 Village on April 19, 2010 upon a motion by Council member _____, the second of
66 Council member _____, and upon a vote of ____ in favor and ____ against.
67

68 TOWN OF SNOWMASS VILLAGE
69 TOWN COUNCIL
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71
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73 _____
74 Bill Boineau, Mayor

75 ATTEST:
76

77 _____
78 Rhonda B. Coxon, Town Clerk
79

80 APPROVED AS TO FORM:
81

82 _____
83
84 John C. Dresser, Jr., Town Attorney

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MEMORANDUM

TO: Snowmass Village Town Council

FROM: Planning Department

DATE: April 19, 2010

SUBJECT: **SUMMARY OF LAND USE CODE AMENDMENTS TO IMPLEMENT THE COMPREHENSIVE PLAN**

Planner: Chris Conrad, Planning Director

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

On February 22, 2010, Ordinance No. 1, Series of 2010, was approved revising and restating certain portions of the Town of Snowmass Village Comprehensive Plan. Chapter 10, Actions and Implementation, summarizes the actions and implementations intended to implement goals and policies found in the individual Comprehensive Plan chapters. Each action item listed in Chapter 10 identifies the responsible department or person and establishes a potential timeframe for implementation.

The action items listed as being the responsibility of the Economic Resources Director and Planning Director or just the Planning Director have been cited below. While this meeting may include only a general discussion, the council may wish to subsequently prioritize the implementation actions or adjust the time frame in which to complete the action items listed.

Action Requested: Review and comment on the list of proposed Land Use and Development Code (being Chapter 16A of the Snowmass Village Municipal Code) amendments.

II. SUMMARY OF DESCRIPTION PROJECT:

The action items listed below have been identified within Chapter 10 of the Comprehensive Plan indicate their priority in bold lettering within parenthesis and are listed as being the responsibility of the Economic Resources Director and Planning Director or just the Planning Director:

Chapter 3: Community Arts

3. Establish an arts focus for West Village redevelopment, including the possibility of a performance facility; rehearsal, classroom, studio, exhibit spaces; and public art. **(2-3 years or sooner if PUD is submitted)**

Chapter 4: Regional and Community Economics

1. Develop a joint retail management strategy to secure a mix of tenants that optimizes retail potential (as is done in most regional shopping malls). The management strategy should include:



- Selection of a mixture of uses to ensure a certain degree of vibrancy in both summer and winter seasons
 - Balance in terms of price points
 - Sales-tax-producing retail on the ground floor
 - Healthy balance between local/national tenants
 - Retail mix that will cater to locals as well as tourists
- (ongoing)**

2. Maintain the existing location of ski lift ticket sales at the Snowmass Mall. **(ongoing)**
4. Establish system to monitor progress toward the implementation of the policies of the Comprehensive Plan. If policies are not being effectively implemented by market forces, or voluntarily, identify necessary remedial action. **(annually)**
7. In order to provide conference-attendee-friendly accommodations, require that 45–50 percent of core Village H.O.T. bed units be non-fractional, hotel, studio, or one bedroom units. **(ongoing)**

Chapter 5: Community Services, Facilities, and Amenities

3. Modify review criteria to include community services, facilities, and amenities carrying capacity in all development and land use reviews in order to avoid exceeding our capacities. **(1 year)**

Chapter 6: Environmental Resources

6. Prepare Land Use and Development Code amendments to add clarity and achieve consistency among Town policies related to preservation of the natural environment, sustainable development, and energy conservation. **(with Economic Resources Director: 1-2 years)**
7. Prepare Land Use and Development Code amendments to strengthen review standards concerning environmental impact analysis and the consideration of carrying capacities. **(1-2 years)**
8. Prepare Land Use and Development Code amendments requiring new development to demonstrate no negative impact or mitigate any unavoidable impact upon scenic and natural resources within the Town and its influence areas. **(1-2 years)**
10. Inventory open lands and document their legal restrictions. **(1-2 years)**
11. The Town of Snowmass Village will engage Pitkin County in future discussions on drafting an Inter-Governmental Agreement and also discuss water quality issues. **(with Economic Resources Director: 1 year)**
12. The Town of Snowmass Village will coordinate, and work with, the Snowmass Village Water and Sanitation District on issues relating to water quality. **(with Economic Resources Director: ongoing)**

Chapter 7: Built Environment

1. Develop detailed design guidelines to implement the concepts in this chapter. **(2 years)**
2. Modify design review process to consider a physical or virtual model that encompasses a significant portion of the surrounding context. **(1 year)**
3. Create standards and means of measuring compliance for increased energy efficiency and green building practices. **(1 year)**
4. Study the feasibility of creating a continuous, weather-protected pedestrian connection between the various levels of the West Village. **(4-5 years)**
5. Reevaluate and update the Buildout Allocation Chart. **(2 years)**
6. Modify development review criteria to require applicants to address carrying capacity at the time of development or land use submittal and require analysis of carrying capacity in staff review of the project. **(1 year)**
7. Revise the definition of community benefit to ensure that it encompasses public gathering areas, employee housing, and/or other amenities that help realize the Town Aspiration. **(1 year)**
8. Create standards to evaluate the pace and phasing of a development proposal with regard to construction impacts along with possible interruption of construction as it would affect the community as a whole. **(2 years)**
9. Establish guidelines to fully implement the “just big enough” philosophy of the Comprehensive Plan and the Strategic Marketing Plan. **(1 year)**
10. Develop guidelines to incentivize transit-oriented development to provide employee housing in close proximity to Village jobs. **(1 year)**
11. In conjunction with any significant development or redevelopment proposal of the West Village and Snowmass Center, include analysis of:
 - Underground parking,
 - Central delivery, including eastern edge delivery connections
 - Consolidated transit facilities**(2-3 years)**

III. BACKGROUND:

It should be noted that the Planning Department has been reviewing the Planned Unit Development chapter of the Land Use and Development Code with the intention of amending that chapter to better respond to the nature of development that will likely occur over the next few years. The reduction in planning staff caused an overall desire to create more or equally effective procedures that require less staff time to process. In addition, the chapter should be amended to better address re-development scenarios the Town will be addressing in the future.

The Housing Department has been working on recommendations to amend Section 16A-4-410(a), Employee generation rates, and Table 4-5, Employee generation rates per type of use, within the restricted housing chapter of the Land Use and Development Code.

IV. APPLICABLE REGULATIONS :

Section 16A-5-210 of the Municipal Code sets forth the means by which the Town Council may, from time to time, amend, supplement or repeal the text of the Land Use and Development Code. Section 16A-5-210(b) states that an amendment to the text may be initiated by resolution of the Town Council, by the Planning Commission, by the Planning Director, by any person who holds a recognized interest in land within the Town or by any citizen or business owner within the Town.

V. DISCUSSION ITEMS: ALTERNATIVES AND IMPLICATIONS:

Staff would like to first receive comments as to which action items are of greatest importance to the majority of council and will respond to comments or questions during the meeting.

VI. STAFF RECOMMENDATIONS AND FINDINGS:

Staff recommends that Town Council prioritize the implementation actions or adjust the time frame in which to complete the action items listed. Based on previous council input, the following actions are recommended for implementation as soon as possible:

1. Amend the PUD section of the Land Use Code to develop more or equally effective procedures that require less staff time to process and better address re-development scenarios the Town will be addressing in the future.
2. Implement housing policy changes as mentioned above.
3. Consider regulatory provisions necessary for the preservation of essential community facilities.
4. Implement priority actions directed by council pursuant to this meeting's discussion.

VII. NEXT STEPS:

After the Town Council has prioritized the implementation actions, a work program will be developed to complete the items within the time frame given. Outside resources may be required based upon the priority items selected and/or time frame given. It will likely be necessary to return to council to discuss the work programming, resources required and/or to receive policy direction prior to beginning implementation the action or implementation item(s).

To: Snowmass Town Council
From: Russ Forrest
Date: April 19, 2010
Subject: Budget and Scope for moving forward with an Urban Renewal Authority

I. PURPOSE

The Town Council is requested to provide direction on:

1. Whether to proceed with the scope of work and budget described in this memorandum; or
2. Modify the proposed scope of work; or
3. Take no further action on this issue

II. BACKGROUND

On February 22, 2010, the Town Council asked staff to develop a more specific scope of work for implementing an Urban Renewal Authority (URA). Also on February 22nd, TOSV staff and Paul Benedetti reviewed the legal process and the pros and cons for implementing an Urban Renewal Authority. The February 22nd memorandum is attached for the Council's reference (Attachment A).

The interest to date for an URA is to give the Town a tool to assemble and potentially condemn land where there are incomplete buildings in Base Village. This is typically done with a private development partner that has the resources to pay for the land and complete the development or with other funding sufficient to complete the statutory steps. There is currently no obvious private development partner to achieve this goal. The Town could create an URA without a private development partner so that it has this resource when a private development partner and / or alternate or additional funding source is found. However, the first question is to determine **the primary goal for creating the URA.**

III. SUMMARY OF SCOPE OF WORK

Staff prepared a scope of work with the assistance of Paul Benedetti and Leland Consulting Group, a leading consultant in preparing urban renewal plans and conditions surveys. Attachment B is a summary of the process broken into 4 phases with the key decision points. This is a summary diagram of the most significant steps and decision points for the Town Council to consider. It also provides a potential timeline and schedule for expenditures based on the proposed budget and scope of work in

Attachment C. Attachment C outlines other detailed tasks that staff and / or consultants would need to perform.

Phase 1- Determine if a Petition Should Be Initiated

This initial step involves completing a preliminary conditions survey. It will involve determining if conditions of blight exist in the study area. Staff proposes including all three commercial areas - West Village, Base Village, and the Center in this initial conditions survey. This work would provide the basis for consideration of including a larger geographic area (all three commercial areas) or keeping the geographic area focused on the incomplete buildings in Base Village. This step would also include a letter stating whether “blighted” conditions exist in the study area and conclude with a Town Council meeting to ask whether there is sufficient interest in circulating a petition that at least 25 people would need to sign in order to create a URA. Finally, this initial step could also include preliminary discussions with other taxing entities to discuss the potential for creating and adopting an urban renewal area. It is still critical to initiate this first step with a clear goal. The risk of this step, even though it is exploratory in nature, is that it could cause speculation about the issue of declaring blight in Snowmass Village (which could impact the speculative value of parcels). This initial phase could cost just over \$12,000 and be concluded by May 17th. It should be noted that Staff is being conservative (high) on the budget since the cost can be unpredictable depending on the number of public meetings, potential for concern from other taxing entities, and a potentially confrontational process with the primary commercial land owner.

Phase 2 - Circulate Petition and Hold a Public Hearing to Create the URA

This step involves having at least 25 residents of Snowmass Village sign a petition and then holding a public hearing to create the URA which is a new legal authority. The Authority can be the Town Council or a separate board appointed by the Mayor. Staff recommends that Council act as the Urban Renewal Authority. This is the first significant action in the process that will generate questions from other taxing entities, residents, and particularly the real estate community. The word “blight” (see Phase 1 above) generates concern and speculation even though the legal criteria are relatively mundane, i.e. predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness etc. (see Attachment A).

This is a relatively straight forward step and could cost a little over \$3,000 and be complete in early July if not before.

Phase 3 - Creation of a Plan and Impact Report

This step is relatively more complex than the first two and more expensive. Staff recommends further evaluating the economic implications of using Tax Increment Financing (TIF) and evaluating the considerations for determining the geographic scope of the urban renewal area. It begins with evaluating the potential for TIF and consideration of the geographic area of the urban renewal area (which can be the same as the conditions survey study area or smaller). TIF is a significant

consideration in that it can generate public funding for property redevelopment , as well as public improvements. However, it can be a concern to other taxing entities wherein a portion of future revenue from the area is pledged to the urban renewal area for investment and reinvestment. Minimizing the size of the urban renewal area needed to address blighting conditions is helpful when working with other taxing entities. However, it also reduces potential TIF revenue available for future initiatives. The other major consideration is whether or not eminent domain will be used by the URA. In this third phase, a draft urban renewal plan is drafted. It is this plan that:

- 1) delineates the boundaries of the urban renewal area;
- 2) creates the ability to collect TIF; and
- 3) defines the power of the URA to condemn land.

If the Authority intends to initiate the collection of TIF at the time the plan is adopted, a financial impact report must be prepared which quantifies the potential impact to the County (if any). It is also recommended that impacts to other taxing entities be quantified. It should be noted that impacts can often be positive to other taxing entities if the intent of implementing the plan is to remove blighted conditions which are creating additional expense as well as preventing or delaying the development of properties in the area and on adjoining parcels and indirectly suppressing sales and property taxes. An URA has the ability to use municipal sales within the urban renewal area.

Staff is recommending that this phase be concluded after completion of a draft plan, impact report, and a series of informational meetings with other taxing entities. It would culminate in a Council meeting where the Town would need to consider input from the public, property owners and other taxing entities, and offer direction on the three questions mentioned above for the purpose of finalizing the plan. At this stage, the Town Council would be considering authorizing the use of eminent domain in the plan after considering all of the steps and legal requirements related to and required for the use of eminent domain. Those steps and their ramifications would to be carefully discussed with the Town Council during this phase.

This phase could cost just over \$26,000 and be completed by early September. Again it should be noted that the Town Council could terminate the process at the end of any of the phases or provide new direction to staff.

Phase 4- Complete the Plan and Hold a Public Hearing to Determine Whether the Plan Should Be Approved

It is important that you keep in mind that the URA does not have any significant authority until a plan is properly approved by the Town Council. This step involves completing the plan, providing legal notices to property owners, tenants, and business owners proposed for inclusion in the boundaries of the urban renewal area. In addition, it involves providing notice to the School District and County prior to a public hearing. The Planning Commission must also review the plan and determine its consistency with the Town's Comprehensive Plan. Notices must be mailed 30 days prior to the public hearing with the Town Council. The Town then has 120 days after closing the public hearing to approve

the plan or else it must wait two years to reconsider this type of action within the area.

This step also includes presentation of the impact report to the taxing entities. Again, a significant educational process is essential for both the community and taxing entities to fully understand the process and the implications of creating an urban renewal area, particularly if TIF is going to be used.

This final phase, presuming that the plan is not modified significantly from the draft, could cost \$11,000. Staff believes that the plan could be considered for approval by November 1, 2010. Again it's possible to either expedite the process or lengthen it if there is the need or desire for significant public input and/or input from the other taxing entities.

Steps after Plan Approval

If the Authority is created and the plan is approved a 25-year clock is initiated for the purpose of using TIF revenue to bond and fund eligible project costs (if TIF is used). Also with the adoption of a plan in the area, the "base" value of the district is established. Future adjustments associated with general reassessments that exceed the base value will result in new incremental increases in revenue for investment in the area. If values go up before the base is established there is less revenue for the area. In addition, if the proper statutory steps are followed by the Town Council, the URA has the power to condemn and pay fair market value for land and improvements. However, the cost of condemnation, both for the land and the process can be significant.

Summary of Costs

The following table is a summary of costs provided in detail in attachment C.

	Attorney	Leland	Other Cost- Property Research	Total Fees	Contingency (15%)	Total
Phase 1	\$4,480	\$6,000	0	\$10,480	\$1,572.00	\$12,052.00
Phase 2	\$2,665			\$2,665	\$399.75	\$3,064.75
Phase 3	\$4,255	\$16,000	\$2,500	\$22,755	\$3,413.25	\$26,168.25
Phase 4	\$6,105	\$3,500		\$9,605	\$1,440.75	\$11,045.75
Total	\$17,505	\$25,500	\$2,500	\$45,505	\$6,826	\$52,331

IV. ACTION REQUESTED OF COUNCIL

Council is requested to either approve moving forward with creation of the URA, which would include the following actions:

- 1) Approve the Scope of Work described in this memo and the budget in Attachment C.
- 2) Direct staff to negotiate and enter into contracts with Paul Benedetti for legal services and Leland Consulting Group based on the budget in Attachment C.

Or

Direct staff to modify the attached scope and budget

Or

Take no further action on the topic

Attachment A: Memorandum from February 22, 2010
Attachment B: URA Decision Making Process
Attachment C: Detailed Budget and Scope

To: Snowmass Town Council
From: Russ Forrest
Date: February 22, 2010
Subject: Discussion on an Urban Renewal Authority

1. INTRODUCTION

The Town Council has requested a follow-up discussion on the creation of an Urban Renewal Authority (URA) in Snowmass Village. Staff has invited Paul Benedetti to the meeting to review the process for creating an Urban Renewal Authority and to respond to questions from the Council on the risks and opportunities associated with the creation of a URA. The purpose of an Urban Renewal Authority is to remove or eliminate "blight" in a community. The reasons that communities in the State of Colorado have created URAs include:

- Using the URAs powers of condemnation, properties can be acquired to remove a blighted condition, typically with the assistance of a private development partner.
- Utilizing a financing tool called Tax Increment Financing to fund public improvement in a URA district.

2. BACKGROUND

On September 14, 2009, the Town Council received a presentation by Paul Benedetti who is an attorney with significant experience in creating Urban Renewal Authorities. The purpose of the presentation was to provide an overview of the potential benefits and risks associated with creating an Urban Renewal Authority. The purpose of the discussion was to determine if the creation of an Urban Renewal Authority in Snowmass Village would be helpful in addressing the partial completion of structures in Base Village and the visual and economic impacts associated those incomplete structures. After reviewing the process for creating a URA, the Town Council elected to take no further action at the time. Now in February of 2010, there does not appear to be a solution for moving forward with the development of Base Village. Council has again asked to have a conversation about the process to determine if a URA is a potential tool to facilitate development to move forward in Base Village.

3. SUMMARY OF CONSIDERATIONS:

A. What is the legal process for creating a URA?

Attachment A is summary of the legal process for creating a URA provided by Paul Benedetti. The process is very involved and requires multiple legal notices. The Two major steps for creating a URA include:

- 1) Creating the Authority
- 2) Developing and adopting a plan for a geographic area that can provide powers to create a tax increment financing district and to condemn land.

B. What are the basic powers of a URA

- **URA's has the power to:**
 - Issue bonds
 - Create a Tax Increment Financing District
 - Undertake redevelopment projects
 - Develop plans for redevelopment to submit to the Town Council
 - Acquire property
 - Condemn property

C. What is involved in determine if an area meets the legal definition of "blight"

The determination that an area meets the criteria of the Colorado Urban Renewal Law is a cumulative conclusion attributable to the presence of several physical, environmental, and social factors. Indeed, blight is attributable to a multiplicity of conditions, which, in combination, tend to accelerate the phenomenon of deterioration of an area. The definition of a blighted area is premised upon the definition articulated in the Urban Renewal Law, as follows:

"Blighted area" means an area that, in its present condition and use and, by reason of the presence of at least four (5 are required if eminent domain is authorized) of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:

- a. Slum, deteriorated, or deteriorating structures;
- b. Predominance of defective or inadequate street layout;
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d. Unsanitary or unsafe conditions;
- e. Deterioration of site or other improvements;

- f. Unusual topography;
- g. Defective or unusual conditions of title rendering the title non-marketable;
- h. The existence of conditions that endanger life or property by fire and other causes;
- i. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidations, deterioration, defective design, physical construction, or faulty or inadequate facilities;
- j. Environmental contamination of buildings or property; or
- k. Inadequate public improvements or utilities.

Several principles have been developed by Colorado courts to guide the determination of whether an area meets the criteria under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. The definition of "blighted area contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration."

Second, the presence of one well maintained building does not defeat a determination that an area constitutes a blighted area. A determination of blight is based upon an area "taken as a whole," and not on a building-by-building basis.

Third, one of the purposes of the Urban Renewal Law is to prevent future decline of an area. Therefore, an area need not evidence widespread dilapidation to qualify as blighted so long as factors which lead to further decline are present.

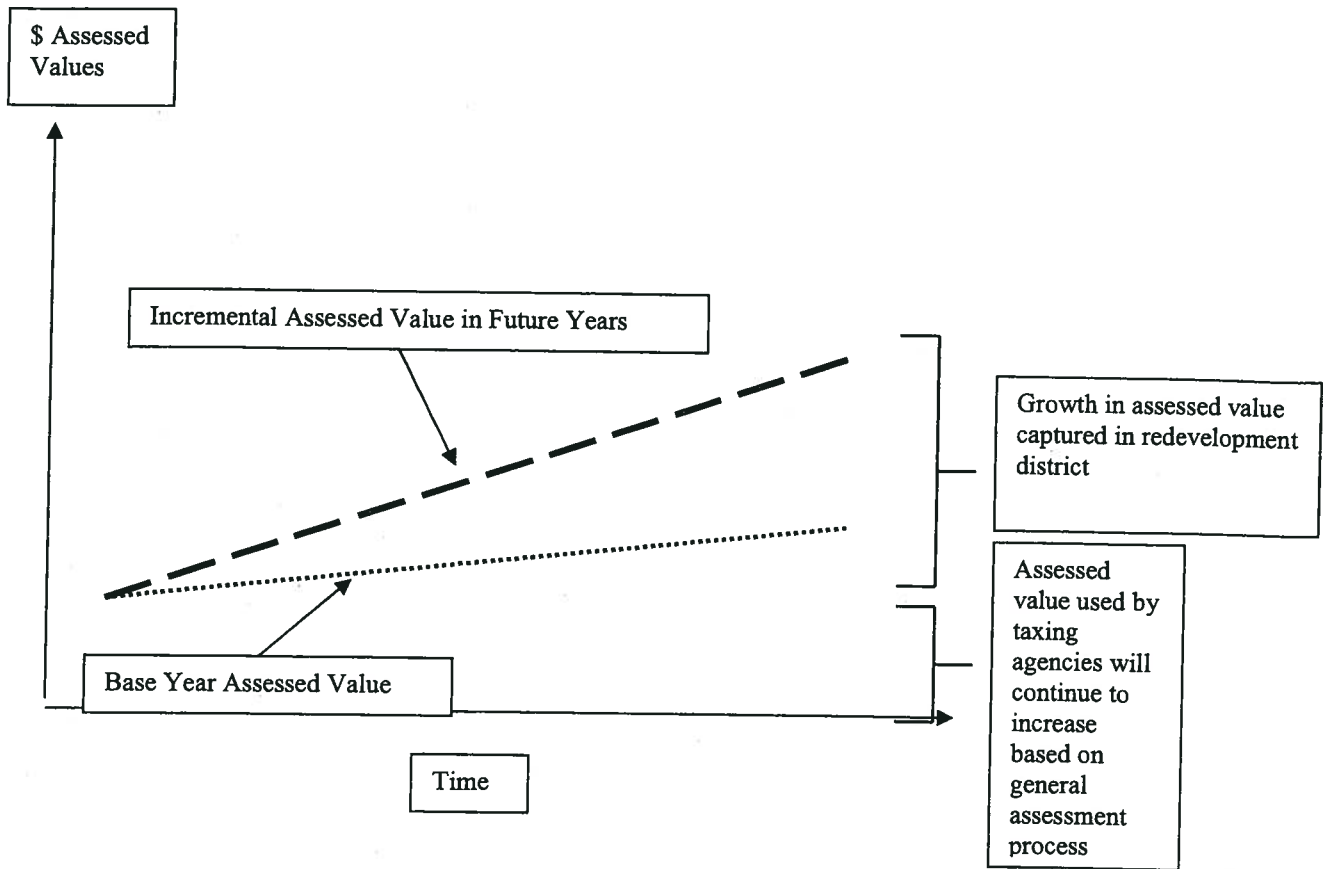
Fourth, an authority's "determination as to whether an area is blighted...is a legislative question and the scope of review by the judiciary is restricted." A court's role in reviewing such a blight determination is simply to independently verify if the conclusion is based upon factual evidence and consistent with the statutory definition.

D. How large or small should a URA District be?

If TIF is used this becomes a very important question. The area of the district must meet the conditions as specified above. It can be advantageous to make the area as large as possible to increase the ability to raise TIF funds. However, the larger the area, the more the concern other taxing entities will have that the URA will unduly impact them financially. Small targeted districts can be advantageous in working with other taxing entities and can be helpful with public communication and perception. A larger area could be advantageous if the State Law is changed and prohibited or limited the powers of a URA. The creation and adoption of a plan, grandfathers the powers of a URA within that plan area.

E. What is Tax Increment Financing (TIF)?

Once a URA has been established, the URA is able to adopt a plan to use tax increment financing or TIF. Once a redevelopment district is established and a plan is adopted, the property tax base for the redevelopment district is frozen. This means that after the date of plan adoption, the assessed value to which the mill levy for the town and other taxing jurisdictions (i.e. the water district, fire district, school district, and the county) would be the same each year with adjustment for general reassessments and historical growth. For example, if the assessed value in a redevelopment district is \$1 million on the date of plan adoption, then the mill levy for each of the overlapping taxing jurisdictions is applied to that \$1 million assessed value each year of the plan. As the properties in the redevelopment district begin to increase in value due to the redevelopment efforts, that increase in assessed value times the combined mill levy of the overlapping taxing jurisdictions goes to the URA. For example, if the assessed value of property in the district increases to \$10 million in year 5 of the plan, the taxes derived from multiplying the combined mill levy times the \$1 million base go to the overlapping taxing jurisdictions and the mill levy times the \$9 million increase goes to the URA. So revenues attributable to redevelopment in the district that would have ended up with the county and other entities through increases in tax revenues, stay in the redevelopment district. The plan can also affect town sales tax revenues, but not state or county revenues. The plan can dedicate sales tax revenues above the base year revenues to the URA. No new taxes are established using TIF nor are taxes increased. The revenues produced by increased property values and increased retail sales activity are simply redistributed to benefit the redevelopment district. The following graph represents how revenues are captured by the redevelopment district.



Once these revenues are captured, this new stream of revenue can be utilized to pay debt service on bonds that are issued by the Authority for public improvements. Bonding is necessary, as it would take a period of time to acquire enough revenue to fund public improvements. Lending institutions generally find TIF a speculative source of revenue and require a higher interest rate compared to general obligation bonds. If TIF is used, significant discussions and negotiations are required with other taxing authorities to simply explain this financing tool. It should be anticipated that other taxing districts initially will see TIF as a threat to their funding. However, the argument for TIF is that this additional incremental revenue would not have been realized if it were not for the redevelopment in the URA District.

No new taxes are established using TIF nor are taxes increased. The revenues produced by increased property values and increased retail sales activity are simply redistributed to benefit the redevelopment district. The following graph represents how revenues are captured by the redevelopment district.

F. State Legislation on URAs

Urban Renewal Authorities and particularly TIF have been controversial and contested issues in the Colorado State Legislature. Nearly every year, bills are introduced to change or limit the powers of a URA. Currently there is a bill that may fundamentally limit the powers of a URA.

G. What are the pros and Cons of a URA?

Pros:

- A URA is one of the only means to condemn private development for an economic purpose.
- A URA is one of the only means to condemn private development for redevelopment by a private third party developer.
- TIF can provide a source of funding for needed public improvements without an increase in taxes. This makes a project more attractive for a private development partner.
- TIF takes the additional incremental revenue resulting from public and private improvements to help pay for public improvements in a redevelopment area. This form of public revenue is paid for by the development without increasing taxes (User Pays).
- Other taxing jurisdictions still get what they receive today in revenue. After the TIF district expires (25 years) the other jurisdictions will receive the full benefit of the growth in property and sales tax.
- Other TIF Districts in Colorado have generally reported that this financial tool has achieved its goal for funding public improvements.

Cons:

- URAs requires legal, financial, land planning (TIF study), and communication expertise. Consulting services can be significant to implement this financing tool.
- The process cost can vary dramatically but can range from \$50,000 to \$80,000 to create the authority and adopt a URA plan. After the Authority is created and a plan adopted, there can be significant additional costs if there is a complicated or unfriendly condemnation action.
- The URA process can impact relationships with other taxing jurisdictions.
- Creating a URA requires a declaration of blight that can be problematic in a ski resort. However, URAs exist in several Mountain Towns (Vail, Steamboat)
- If there is a not a capable private partner the Town most likely will not be able to implement its goals through a URA.

- If property values and sales tax don't increase with development the authority may not be able to pay for the debt service for the bonds.
- If real estate continues to be depressed, a private development partner may be difficult to find or if found may not be able to find financing for development.
- If a URA is used, citizens can be concerned about condemnation.
- This is a confusing financial tool and it is harder to communicate how this tool works compared to other more traditional revenue sources (sales tax, property tax ect).

Attachments:

A) Materials prepared by Paul C. Benedetti

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URBAN RENEWAL AUTHORITY AND URBAN RENEWAL PROJECTS

Caution: This is an outline only. It is not intended to be legal advice and may not be relied upon for such purposes. This outline does not contain all of the statutory provisions and case law applicable to urban renewal authorities and urban renewal plans. Please consult the statute for more information and your legal counsel for legal advice. Thank you.

I. Formation of Urban Renewal Authority [31-25-104, C.R.S.]

- A. A petition stating a need for URA to function in the municipality signed by at least 25 electors of the municipality must be filed with clerk of the municipality.
- B. Clerk publishes notice of time, place, and purpose of public hearing at which the governing body of municipality will determine the need for the URA. Notice published at least 10 days prior to date of public hearing in newspaper of general circulation in municipality. If there is no newspaper by posting the notice in at least three public places at least 10 days prior to the hearing.
- C. Full opportunity to be heard granted to all residents, taxpayers, and other interested persons at public hearing.
- D. After the hearing, the governing body may adopt a resolution finding:
 - 1. One or more slum or blighted areas exist in the municipality.
 - 2. The acquisition, clearance, rehabilitation, conservation, development, or redevelopment, or combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality.
 - 3. It is in the public interest that the URA for the municipality exercise the powers granted by statute.
- E. If the governing body adopts a resolution denying the petition, a new petition may be considered if 6 months have elapsed after denial of the original petition.

II. Commissioners

- A. Governing body may designate itself as the URA at time of establishing the URA. A transfer of an existing URA may be accomplished only by a majority vote at a

54

regular general election. [31-25-115, C.R.S.]

- B. The mayor may appoint an odd number of commissioners of not less than 5 or more than 11 members. The mayor shall designate the chair for the first year.
1. The appointments are subject to approval by the governing body.
 2. Under this procedure, not more than one commissioner may be an official of the municipality. The term of such official is not affected by the expiration of the term of his or her municipal office.
 3. The commissioners first appointed shall be designated to serve for staggered terms so that the term of at least one commissioner will expire each year. Thereafter the term shall be 5 years. A commissioner serves until a successor has been appointed and qualified.
 4. A majority of the commissioners constitute a quorum.
 5. The mayor files a certificate of the appointment or reappointment of any commissioner with the clerk of the municipality.
- C. After appointment, the commissioners sign a certificate stating that the governing body has made the findings regarding formation of the URA and has appointed them as commissioners. The certificate is filed with the Division of Local Government in the Department of Local Affairs.
- D. Upon filing of the certificate with DOLA, the commissioners and their successors are constituted an urban renewal authority.
- E. A commissioner receives no compensation for serving, but may be reimbursed for expenses, including travel, incurred in discharge of duties.
- F. After the first year and annually thereafter or when the office becomes vacant, the commissioners select a chair and vice-chair and it may employ a secretary, who shall be executive director, and other officers, employees, or agents.
- G. A commissioner, officer, or employee of the URA may not acquire any interest in any property or contract in connection with any urban renewal project. Upon disclosure of such an interest the commissioners may make a determination that the conflict will not be contrary to the public interest.
- H. The mayor, with the consent of the governing body, may remove a commissioner for inefficiency, neglect of duty, or misconduct in office.

- I. By statute, an urban renewal authority is an independent corporate body.
 1. The Colorado Sunshine Act applies to urban renewal authorities.
 3. URA is exempt from Article X, § 20 of Colorado Constitution (TABOR).

III. Powers and Duties of URA [31-25-105, C.R.S.]

- A. The URA has all powers necessary to carry out provisions of UR law.
- B. URA may sue and be sued, and have perpetual succession (unless terminated under 31-25-115, C.R.S.).
- C. Carry out urban renewal plans and to enter into contracts necessary and convenient to act in accordance with the Colorado UR Law.
- D. Staffing - separate or contract with municipality
- E. Buy property - URA has the power of eminent domain if specifically authorized by the governing body.
- F. Sell property pursuant to reasonable competitive bidding requirements for sale or disposition to private parties. Enter into redevelopment agreements.

IV. Blight Designation [32-25-103, C.R.S.]

- A. At least 4 of the following conditions must be present - 5 if eminent domain is authorized by the governing body.
 1. Slum, deteriorated or deteriorating structures.
 2. Predominance of defective or inadequate street layout.
 3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
 4. Unsanitary or unsafe conditions.
 5. Deterioration of site or other improvements.
 6. Unusual topography or inadequate public improvements or utilities.
 7. Defective or unusual conditions of title rendering the title nonmarketable.

8. Conditions that endanger life or property by fire or other causes.
 9. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities.
 10. Environmental contamination of buildings or property.
 11. The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements.
- B. If there is no objection by the property owners or tenants to the inclusion of property in the UR area only one of the above factors is necessary.
 - C. Any condition found to be present may satisfy as many of the above factors as are applicable to such condition.
 - D. The presence of such factors must be found to substantially impair or arrest the sound growth of the municipality, retard the provision of housing accommodations, or constitute an economic or social liability, and is a menace to the public health, safety, morals, or welfare.
 - E. Upon approval of an urban renewal plan, the plan becomes controlling with respect to land area, land use, design, building requirements, timing, or procedure applicable to the property covered by the plan.
 - F. A substantial modification of an adopted urban renewal plan requires the same procedural steps as for approval of the plan. After the URA has sold or leased real property, however, the right to modify the plan is subject to the legal and equitable rights of the lessee or purchaser and their successors.

V. Urban Renewal Plans [31-25-107, C.R.S.]

- A. URA is required to give written notice to property owners in area within 30 days of commissioning a study to determine if area is blighted for the purpose of approving an UR Plan. Governing body finds and declares that plan area boundaries are drawn as narrowly as feasible to accomplish the planning and development objectives of proposed UR area.
- B. Plan requirements and contents.
 1. Must conform with the comprehensive plan.

2. Must be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. [31-25-103, C.R.S.]
- C. Proposed plan must be submitted to planning commission for review and recommendations as to conformance with comprehensive plan.
- D. Notice of public hearing must be published at least 30 days prior to date of hearing. Notice must describe time, date, place, purposes of hearing, and generally outline the proposed urban renewal plan.
- E. Written notice of the public hearing must be given to all property owners, residents and owners of business concerns in the proposed urban renewal area at their last known addresses at least 30 days prior to the public hearing.
- F. The proposed plan and impact report that conforms with Section 31-25-107(3.5), C.R.S. must be submitted to the county at least 30 days prior to the hearing on the Plan. At public hearing, county may present evidence that proposed development in urban renewal area will create a need for additional county infrastructure and services - sharing of TIF is authorized. If disagreement an arbitration procedure is set out in the statute. [Section 31-25-107(11), (12), C.R.S.]
- G. If TIF financing is included in the plan, the school district that includes the urban renewal area must be consulted.
- H. If relocation is required, a feasible method exists for the relocation of individuals and families in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such individuals and families.
- I. If relocation is required, a feasible method exists for the relocation of such business concerns in the Urban Renewal Area or in other areas that are not generally less desirable with respect to public utilities and public commercial facilities.
- J. The plan must afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

- K. The plan must be approved within 120 days since the commencement of the first public hearing on the Plan.
 - L. If property in urban renewal area was included in a proposed urban renewal plan that was not approved, at least two years must have elapsed since the commencement of the prior public hearing concerning such unapproved plan.
 - M. If urban renewal area consists of open land, special findings are required.
 - N. Additional findings are required if the governing body authorizes the use of eminent domain.
 - O. If the urban renewal plan contains language implementing the statutory TIF provisions, the municipality is required to notify the assessor of that fact. State regulations require delivery to the assessor of a copy of the adopted plan, the resolution or ordinance approving the plan, and a map of the urban renewal area if TIF is part of the plan.
- VI. Tax Increment (TIF) Financing [31-25-107(9), C.R.S.].
- A. The urban renewal plan may contain statutory language dividing the property tax assessment roll and allocating future revenues in the urban renewal area (or an area later added to the area) for up to 25 years as follows:
 - 1. The total assessed value in the urban renewal area as last certified by the county assessor is established as the base value, and taxing bodies levying taxes in the urban renewal area receive the revenues produced by levy against the base value, as adjusted from time to time as a result of general reassessments.
 - 2. The revenues produced by levy of the taxing bodies against increases in assessed value are allocated to the urban renewal authority to pay indebtedness incurred by the authority in carrying out the urban renewal project described in the plan.
 - B. The plan may also contain language allocating for 25 years all or a portion of the municipal sales taxes collected in the area in excess of the total for the 12 months prior to adoption of the urban renewal plan.
 - C. The governing body of the municipality or the urban renewal authority may enter into an agreement to offset the costs of any additional county infrastructure or services necessary to offset the impacts of the urban renewal project. If the county objects to the use of TIF it may employ an arbitration proceeding (as its sole

remedy) to require a sharing of revenues where it can compel such sharing if it can demonstrate additional county infrastructure or costs are required as a result of the project.

- D. Upon a general reassessment of taxable property or a change in the sales tax percentage levied by the municipality, both the base value and TIF value and the sales tax allocation between the city and the URA are required to be proportionately adjusted in accordance with the assessment or change.
- E. The TIF mechanism is one of allocation only.
 - 1. Tax rates are not increased.
 - 2. Property taxpayers receive the tax bill they would normally receive and pay at the same rates as other taxpayers.
 - 3. Sales taxpayers pay the same rates of sales tax.
 - 4. Once paid, property taxes are allocated so that each taxing body obtains the product of its tax rate times the base value as calculated each year by the assessor..
 - 5. The URA receives the total of all taxing agency tax rates times the TIF value, if any, and any incremental sales taxes, if made available by the municipal governing body.
- F. An urban renewal authority may not itself levy taxes [31-25-113, C.R.S.] or compel any public body to levy taxes.[31-25-107(9)(c), C.R.S.]

VII. Plan Implementation.

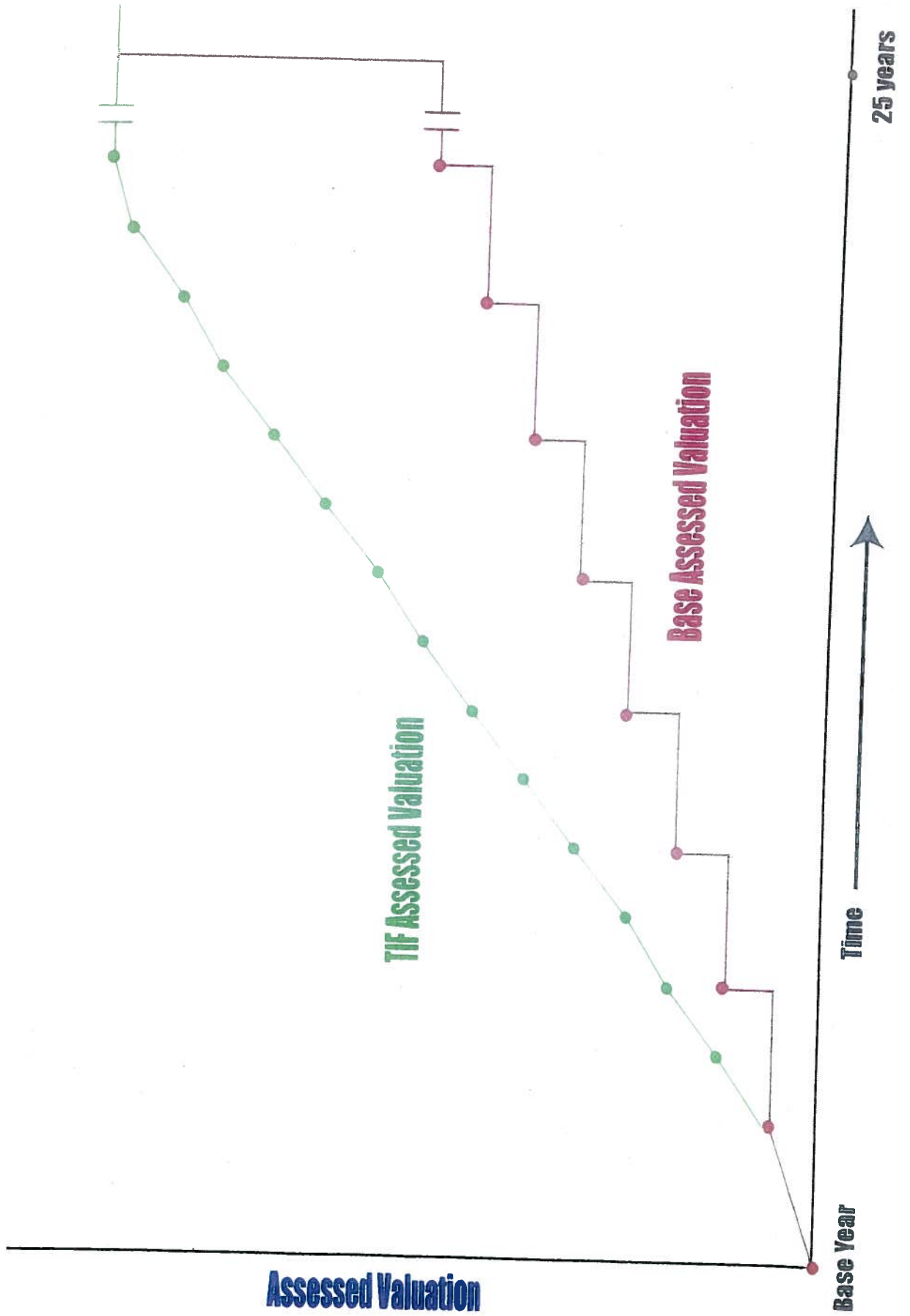
- A. Implementation of comprehensive plan, zoning, design standards, land use and building requirements and policies.
- B. Financing and constructing public infrastructure - such as streets, sidewalks, utilities, traffic improvements, parking facilities, traffic improvements, flood and drainage control improvements, and parks.
- C. Land acquisition/disposition.
 - 1. Voluntary acquisition of property. If eminent domain is used, special provisions not covered in this outline must be implemented.

2. Land disposition [31-25-106, C.R.S.]
 - a. The URA may dedicate real property to public use, with or without compensation, if the public use is consistent with the urban renewal plan.
 - b. A reasonable competitive bidding procedure required for disposition to a private party. The authority can follow statute or adopt its own.
 - c. URA may invite proposals by publishing invitation for proposals in newspaper of general circulation once each week for two consecutive weeks.
 - d. An authority may dispose of real property for fair value (not fair market value) taking into account the uses provided in the urban renewal plan; the restrictions upon the land and the purchaser; the covenants, conditions, and obligations assumed by the purchaser or lessee; and the objectives of the plan.
- D. Rehabilitation and Redevelopment Agreements with private developers.
- E. Cleanup of contaminated and property, demolition, and site preparation.

VIII. Cooperation with Other Public Bodies [31-25-112, C.R.S.]

- A. In the planning and execution of urban renewal projects, public bodies are authorized to cooperate with the URA.
 1. Selling, leasing, or donating property to the URA.
 2. Providing public improvements
 3. Planning or replanning and zoning or rezoning all or part of the urban renewal area, or to make exceptions from applicable building regulations.
 4. Providing various kinds of financial aid.
- B. A public body means the State of Colorado or any municipality, quasi-municipal corporation, board, commission, authority, or other political subdivision or public corporate body of the state.

TIF CHART



Assessed Valuation

52-

Item No. 4: INFORMATIONAL PRESENTATION ON URBAN RENEWAL AUTHORITY (URA)

The Town Attorney John Dresser introduced Paul Benedetti, who is presenting to Town Council on the State of Colorado law regarding Urban Renewal Authorities, with an eye to fixing some of the Town projects. Dresser further stated that Mr. Benedetti's is an Attorney practicing exclusively in this area within the State of Colorado. He passed out an outline prepared by Mr. Benedetti, announced that a copy of this outline is available for the public to view and pointed out that the site map relating to this discussion is out for Council to view.

Paul Benedetti, Urban Renewal Authority (URA) Attorney provided Town Council with a brief background of his credentials and stated that he has been working in this specialized field for many years and can provide the Council with a copy of his resume upon request. He further commented that an URA is a corporate body similar to a Housing Authority and is not a government entity; it is a public corporation, with a ruling by the Court of Appeals and is not subject to TABOR; it is a body that does not levy taxes but it uses increases in tax revenues in an effort to increase an assessed value of urban renewal areas to pay for project costs; the financing method it uses is one of allocation of tax money. He stated that there is a simple method for forming an Urban Renewal Authority by means of getting 25 electors to sign a petition, a public hearing must be held with proper publication in the newspaper of that hearing, and you have to find that there are one or more blighted areas within the Town. He referred Council to packet page three regarding blight designation. He stated that he has noticed an increase in interest in URAs, due to the tough times we all are experiencing. Blight Designation has to have four of the areas listed on packet page three for approval of a plan, such as in-adequate street layout, faulty lot layout, unsanitary or unsafe conditions, deterioration of site improvements, unusual topography, in-adequate public improvements, title defects, dangerous conditions due to fire or other causes, unsafe buildings, due to building code violations, in-adequate facilities, existence of factors that require high levels of municipal services, and environmental contamination; it is required to have four of these elements to approve a plan. He explained that an unsafe condition can satisfy two of these factors in the statute because of fire or flood endangerment.

In response to an inquiry by Council Member Butler, Benedetti stated that one would not just go in and take the land because an URA has nothing to do with public ownership and referred Town Council to the T.I.F. Chart included in his handout today.

Benedetti explained that the base year of total assessed valuation is established and every year after that hopefully there is an increase in assessed value and what is allocated to URA the part between the red line stair steps and the green line. The Assessor then sends out to the tax payers (not imposing extra taxes), they just pay the total assessed value and the money is divided between the taxing bodies and the URA (the taxing bodies get everything below the red line

and the URA gets everything between the red and the green line); and every other year there is an assessment for inflation a proportion increase for taxing bodies to share as one goes along.

Benedetti stated that when you form the Authority you don't worry about T.I.F. or the public hearing to approve the plan but once you get to the point of the conditions survey, most urban renewal plans are simple to implement. You can have more stringent design guidelines if you desire and most cities rely upon their codes, ordinances and policies. Make sure that you are following the Comprehensive Plan, regarding what you are going to do about T.I.F. for property taxes because the State has legislation over property taxes and then it is up to the municipality if want to throw in sales tax increments; "if the municipality is Home Rule you can follow the Statute." Benedetti further explained that an impact study for the county has to be conducted.

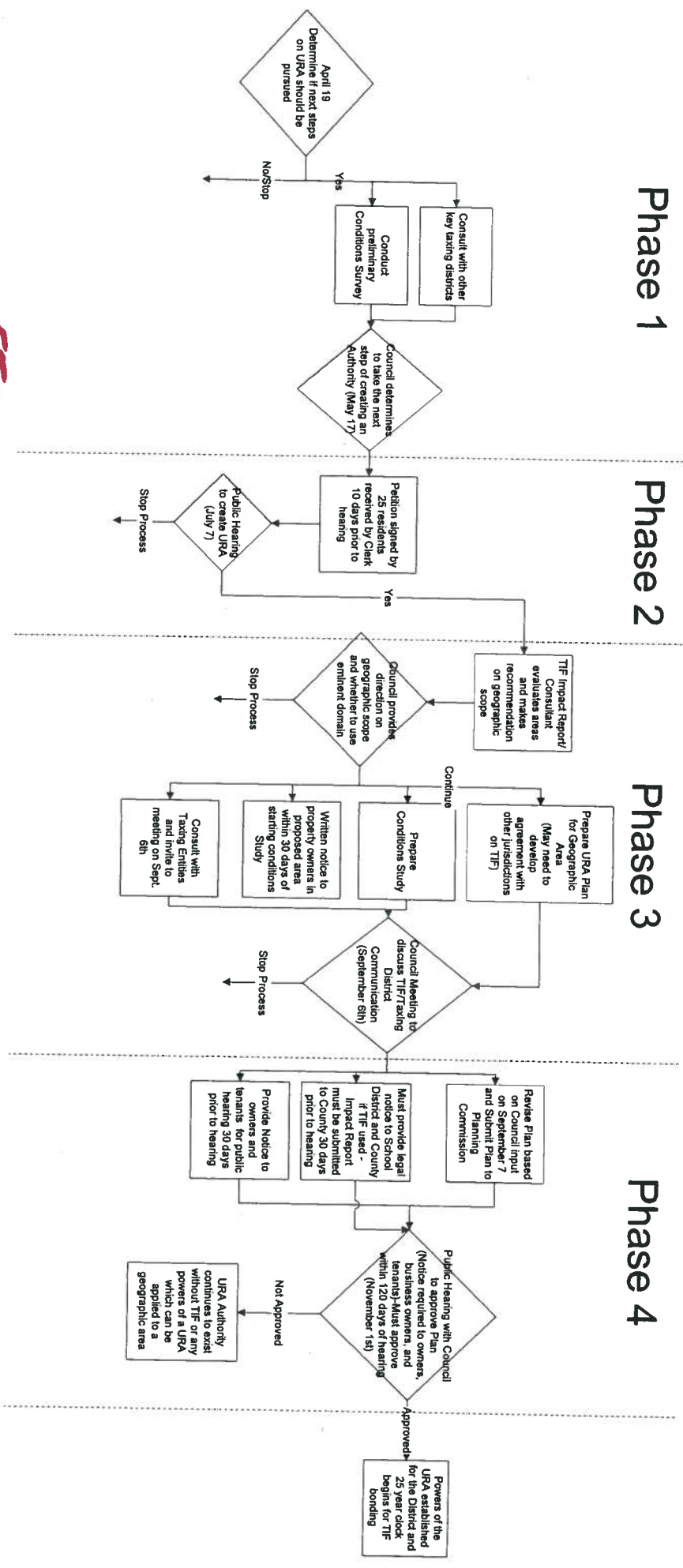
Aspen Skiing Company Representative Don Schuster inquired if an URA has ever been implemented or applied to a special district, such as a GID or Metro District. In response, Paul Benedetti stated that it can be and it could help pay for public infrastructure.

The Town Attorney John Dresser emphasized the timing of how an URA works and stated that one does not necessarily have to do anything with it right away and it is always subject to change at the Legislator; every session has amendments, revisions or repeals introduced, while it is a tool it may not be there for ever. He stated that various districts and counties are not strongly in favor of using this tool for the municipalities.

Council Member Butler thanked Paul Benedetti for coming, stated that this information has been extremely helpful from the Town Council's perspective and requested approximately 30-days for this information to settle. Council consensus requested that staff make a list of options for Council review.

Attachment B: URA Decision Making Process

Phase I
 May 17-Determine if TOSV will pursue creating a URA. \$12,052 for this phase
Phase II
 July 7-Approve the creation of an Authority \$3,064 for this phase/ \$15,116 for the project
Phase III
 September 6-Approve Plan \$26,168,168 for this phase/ \$41,235 for the project
Phase IV
 November 1-Approve Plan \$11,045 for this phase/ \$52,330 for the project



-55-

Attachment C: Detailed URA Project Scope and Budget

Task	Start	Finish	Who	Cost	Phase Cost	Cumulative Cost
1 Create Budget/Scope for Project	3/2/2010 8:00	3/26/2010 17:00	PB	\$2,000		
2 Budget approval for project	4/19/2010 8:00	4/19/2010 8:00	Staff	\$0		
3 Preliminary Condition Study/Prepare opinion letter on presence of blight	4/19/2010 8:00	5/7/2010 17:00	Leland	\$6,000		
4 legal Review of Preliminary Conditions Study	4/19/2010 8:00	5/7/2010 17:00	PB	\$1,000		
5 Meet with County/School on Process	4/19/2010 8:00	5/7/2010 17:00	PB	\$1,480		
6 Council check point to determine if a petition should be initiated	5/17/2010 8:00	5/17/2010 8:00		\$0		
Phase 1						
7 Petition signed by 25 Residents	5/17/2010 8:00	6/14/2010 0:00	PB	\$185	\$12,052	\$12,052
8 Clerk publishes a public hearing 10 days prior to hearing	6/16/2010 0:00	6/16/2010 0:00	PB	\$185		
9 Public Hearing	7/5/2010 8:00	7/5/2010 17:00	PB	\$1,110		
10 Governing Body adopts Resolution (blight)	7/5/2010 8:00	7/5/2010 17:00	PB	\$0		
11 Governing Body designates itself as the URA & Selects Chair and Vice Chair	7/5/2010 8:00	7/5/2010 8:00	PB	\$1,000		
12 URA shall approve of staffing and Legal Counsel	7/5/2010 8:00	7/5/2010 8:00	PB	\$0		
13 URA approves of budget	7/5/2010 8:00	7/5/2010 8:00	PB	\$0		
15 File Certificate for forming URA with Department of Local Affairs	7/7/2010 8:00	7/7/2010 17:00	PB	\$185		
Phase 2						
16 GIS Work/Property Ownership Research	7/7/2010 8:00	8/3/2010 17:00	GIS	\$2,500	\$3,065	\$15,117
17 Perform economic analysis of TIF/Impact Report Complete	7/7/2010 8:00	8/2/2010 17:00	Leland	\$1,800		
18 Consult with attorney on geographic boundaries	8/4/2010 8:00	8/10/2010 17:00	PB	\$1,110		
19 Hold Council meeting to determine geographic boundaries	8/16/2010 8:00	8/16/2010 17:00	PB	\$370		
20 Complete final conditions study	7/6/2010 8:00	7/26/2010 17:00	Leland	\$2,000		
21 Town provides written notice to property owners in area within 30 days of starting condition study	7/6/2010 8:00	7/13/2010 17:00	PB	\$185		
22 Prepare draft URA Plan	7/6/2010 8:00	8/2/2010 17:00	Leland	\$12,200		
23 Legal Review of Plan	8/3/2010 8:00	8/9/2010 17:00	PB	\$1,480		
24 Meet with Taming Districts and provide them with draft URA Plan	9/6/2010 8:00	9/6/2010 17:00	PB	\$0		
25 Town Council Meeting to discuss TIF and Taming Jurisdictions	9/6/2010 8:00	9/6/2010 17:00	PB	\$1,110		
Phase 3						
26 Update and revise draft plan based on Council input	8/3/2010 8:00	8/9/2010 17:00	Leland	\$1,000	\$26,168	\$41,285
27 Complete final legal description of plan area	9/7/2010 8:00	9/13/2010 17:00	Leland	\$2,500		
28 Plan must be submitted to Planning Commission	9/14/2010 8:00	9/14/2010 17:00		\$0		
29 Planning Commission Meeting	10/6/2010 8:00	10/6/2010 17:00	PB	\$1,110		
30 Cooperation Agreements with other jurisdictions and discussions	9/14/2010 8:00	9/17/2010 17:00	PB	\$1,480		
31 Proposed plan and impact report must be submitted 30 days prior to hearing	9/14/2010 8:00	10/29/2010 17:00	PB	\$185		
32 Notice of public hearing must be published 30 days prior to hearing	9/14/2010 8:00	10/29/2010 17:00	PB	\$185		
33 If TIF financing is used School Dist and County must be consulted/may need to meet with other taxing entities	9/15/2010 8:00	10/26/2010 17:00	PB	\$1,480		
34 Public Hearing with Town Council 30 days after plan is completed and notice is given	11/1/2010 8:00	11/1/2010 17:00	PB	\$1,665		
35 Plan must be approved by TOSV within 120 days of hearing	11/2/2010 8:00	4/18/2011 17:00		\$0		
Phase 4						
Max Agreement with Leland Consulting Group				\$25,500	\$11,046	\$52,331
Estimated fees for Outside Counsel				\$17,505		
Other Costs				\$2,500		
Total				\$45,505		
Contingency (15%)				\$6,826		
Grand Total				\$52,331		

56-

\$52,330.75

\$52,330.75

MEMORANDUM

TO: Snowmass Village Town Council
FROM: John Dresser
DATE: April 19, 2010
SUBJECT: Ordinance 8, Series of 2010 – FAB Amendments

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

Council directed staff to amend the duties and responsibilities for the FAB.

II. SUMMARY OF PROJECT

FAB requested increased ability to review financial issues for TOSV.

III. BACKGROUND

Old FAB duties and responsibilities were restrictive.

IV. APPLICABLE REGULATIONS

SVMC Sec. 2-235 Duties and Responsibilities.

V. DISCUSSION ITEMS: ALTERNATIVES AND IMPLICATIONS

Discussion of these amendments occurred at the March 15, 2010 Town Council meeting and these amendments track that discussion.

VI. STAFF RECOMMENDATIONS AND FINDINGS

Options include: approve, amend or deny second reading.

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**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**ORDINANCE No. 8
SERIES OF 2010**

**AN ORDINANCE AMENDING SECTION 2-235 OF THE MUNICIPAL CODE
REDEFINING THE DUTIES AND RESPONSIBILITIES OF THE FINANCIAL
ADVISORY BOARD.**

WHEREAS, the Financial Advisory Board is a permanent board of the Town as designated by Section 8.1 of the Home Rule Charter; and

WHEREAS, the Town Council desires to amend the powers and responsibilities of the Financial Advisory Board as stated in Section 2-235 of the Municipal Code; and

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

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

1. Section 2-235 Duties and responsibilities. The provisions of Section 2-235 of the Municipal Code are hereby amended and restated, as follows:

Sec. 2-235. Duties and responsibilities.

The Financial Advisory Board shall have the following duties and responsibilities:

- (1) To make recommendations to the Town Council prior to the adoption of the budget and capital program for the Town.
- (2) To render such other recommendations or advice as the Town Council may, from time to time, request.
- (3) To request of Town Council the ability to undertake a review of any item that the Financial Advisory Board determines significant for review.

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(4) Financial Advisory Board may discuss any matter that the Board determines necessary.

2. 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.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on First Reading on April 5, 2010 upon a motion by Council Member Lewis, the second of Council Member Butler, and upon a vote of 3 in favor and 0 against. Mayor Boineau and Council Member Mordkin were absent.

READ, APPROVED AND ADOPTED by the Town Council of the Town of Snowmass Village on Second Reading on April 19, 2010 upon a motion by Council Member _____, the second of Council Member _____, and upon a vote of ____ in favor and _____ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

ATTEST:

Rhonda B. Coxon, Town Clerk

APPROVED AS TO FORM:

John C. Dresser, Jr., Town Attorney

-59-

TO: SNOWMASS VILLAGE TOWN COUNCIL
FROM: RUSS FORREST, TOWN MANAGER
SUBJECT: MANAGER'S REPORT
DATE: April 19, 2010

Roaring Fork Watershed Floating Summit

Council is invited to participate in the 2010 Roaring Fork Watershed Floating Summit on June 10th. Additional information is provided below. Also, TOSV has been asked to pass a ceremonial resolution to support the Roaring Fork Watershed Plan. An example of this resolution is also below. Would Council like to consider this type a ceremonial resolution similar to the one below?

June 10, 2010

Roaring Fork River, Carbondale to Glenwood Springs

Event Goal: The Floating Summit will gather decision-makers from a diverse group of entities to support the writing and implementation of the Roaring Fork Watershed Plan and to collectively give one voice to the Roaring Fork Watershed. A resolution in support of the Roaring Fork Watershed Plan will be forwarded from the RWAPA Board to each jurisdiction for consideration prior to the event.

Background: Dozens of governments, local agencies, citizens and non-profits have come together to create a Roaring Fork Watershed Plan. The group has finished Phase I of the Plan: gathering stakeholder involvement and writing the State of the Roaring Fork Watershed Report, and the first part of Phase II: conducting public input meetings on objectives and recommended actions. The next step involves finalizing objectives and recommended actions, and then writing the Plan.

The rivers of the Roaring Fork Watershed, 76% of which is public land, cross jurisdictional boundaries of four counties and six municipalities before reaching the confluence with the Colorado River. Bringing these entities together has been the success of the watershed planning effort to-date. For the next steps, having all of the entities involved in implementation and on-board is crucial. In order for this plan not to sit on the shelf, each county, municipality, and agency has an important role in seeing the plan come to fruition.

Invitees include: Governor Bill Ritter, Senator Gail Schwartz, Representative Kathleen Curry, Eagle County, Garfield County, Gunnison County, Pitkin County, City of Aspen, Town of Basalt, Town of Carbondale, City of Glenwood Springs, Town of Snowmass Village, Basalt WCD, West Divide WCD, CO Dept of Water Resources, CO Dept of Natural Resources, CO Division of Wildlife, CO Water Conservation Board, Colorado River District, Denver Mayor John Hickenlooper, Mt. Sopris Conservation District, Northwest CCOG, Roaring Fork Conservancy, Ruedi Water & Power Authority, The Nature Conservancy, Trout Unlimited, Colorado Springs Utilities, Twin Lakes Reservoir & Canal Company, former US House Rep. Scott McInnis, US Senator Michael Bennett, US Senator Mark Udall, US House Representatives John Salazar and Jared Polis, US

Army Corps of Engineers, US BLM, US Bureau of Reclamation, US EPA, US Fish & Wildlife Service, US Forest Service, US Geological Survey and others.

Hosted by: Roaring Fork Conservancy & Ruedi Water and Power Authority

Example Resolution from Roaring Fork Conservancy

Resolution of _____
In Support of the Roaring Fork Watershed Plan
Date _____

Whereas, water is a critical natural resource to the environmental, social and economic well-being of the Roaring Fork Watershed, and

Whereas, a collaboration of local governments, government agencies, non-profits, associations, and citizens have come together to form the Roaring Fork Watershed Collaborative Water Group, and

Whereas, this collaboration has undertaken the writing of the Roaring Fork Watershed Plan, and

Whereas, the Ruedi Water and Power Authority (RWAPA) is the sponsor of the Roaring Fork Watershed Plan, and

Whereas, the Municipal and County governments in the Roaring Fork Valley are members and supporters of the Ruedi Water and Power Authority, and

Whereas, RWAPA and the Roaring Fork Conservancy have been working diligently on the Roaring Fork Watershed Plan since 2008 and have completed Phase I of the Plan, the State of the Watershed Report, and

Whereas, RWAPA and the Roaring Fork Conservancy are currently in the midst of Phase II of the Plan which will produce recommendations for future water management in the Roaring Fork Valley, and

Whereas, the Plan has engaged and involved hundreds of citizens of the Roaring Fork Valley through many meetings, presentations and other activities publicizing the Plan and soliciting contributions to and discussions of the Plan and,

Whereas, those efforts have resulted in broad support for the planning process and significant and extensive public input into the Plan, and


Whereas, the local governments and agencies with responsibility for water management, treatment, delivery, development and conservation wish to formally endorse the concepts of resource sustainability, environmental quality, public safety, recreational value and aesthetic appeal that are the objectives of the Plan,

Therefore, Let It Be Resolved

That the (County Commissioners, City Council, Board, etc.) of (Jurisdiction Name Here) hereby express their support for the watershed planning process and their intent to thoughtfully consider the recommendations of the Plan and to adopt those recommendations which they may find appropriate, feasible and beneficial to their respective communities and the watershed as a whole. Adopted this ____ day of _____, 2010

61-

**Pending Strategic Actions
Last Updated – April 12, 2010**

Staff Contact	Action	Status	Date to follow-up w/ Council
Land Use			
Comp. Plan Team	Comprehensive Plan Update	Comp Plan approved in first reading. The Pitkin County Commissioners are currently reviewing it and will have comments to us within the next few weeks. Second reading moved to February 22 nd .	Complete
John Dresser	Demolition	<p>Council asked that an ordinance be prepared to provide a period of time to review demolition permits before demolition of a building occurred.</p> <p>Council agreed that staff should develop language for future PUDs to identify critical integral components of a PUD that must continue to exist over time.</p> <p>In addition, John Wilkinson requested that staff bring back a landmark ordinance for discussion in the future.</p>	April 19, 2010
	Other Land Use Code Issues	Other Land Use Code Improvements should also be considered with the completion of the Comprehensive Plan. Staff would recommend having a work session with Council to review potential code changes.	April 19, 2010
Housing			
Housing Department	Draw Site/Land Inventory	On February 17 th the Town Council asked that a Land Inventory to identify potential housing sites be completed after the Town completes its budget process for 2010. On November 2, 2009 the Council directed staff to take no action on this topic other than to continue identifying sites that should be further investigated. Council asked that this project be revisited in the summer of 2010.	Revisit in Summer of 2010
Housing Department	Housing Policy 	The consultant has completed a rational nexus study and can begin to work with the Town on a new housing policy. The Planning Commission is also reviewing housing goals as part of the Comp. Plan review. Staff will schedule two agenda items based on the input from Council on October 6 (these could be on the same dates) which would be 1) policy discussion to modify the current land use code	April 19, 2010 Will review with other land use code amendments.

		related to affordable housing; and 2) a review of deed restriction policy.	
		Finance	
Marianne	FAB	FAB will be bringing requested additional duties to Council and Council would like to discuss whether FAB should look at how to fund unfunded Road projects.	Ordinance for April 5, 2010/Need to follow-up on Capital Projects on May 3 rd .
Marianne	GID Mil Levy	Discuss option to increase the GID mil levy for Base Village with the GID Advisory Committee and return back to the GID with options.	April 19, 2010
Marianne	Budget Update	Finance provided a budget update in March, 2010. The next update will occur in May.	May 2010
		Other	
Russ and John	Negotiate access easement for Skittles	Direction has been provided to staff to negotiate for an easement.	
Lesley	Investigate process for creating a Sister City Relationship	Determine the steps for developing a sister city relationship	May 3, 2010
John and Russ	Urban Renewal Authority	Bring back the URA topic for discussion of the Council	April 19, 2010
Susan Hamley	Marketing, Special Events & Group Sales Board	Follow-up on specific form and frequency for communication between Council and Board. May require code change.	Complete Will review Thursday night series on April 19, 2010
Mark Kittle	Remodels triggering sprinkling	Council asked on 11/16 for the Chief Building Official to bring back options for requiring the sprinkling of buildings with a remodel. Staff was asked to research options and what other communities have done on this issue. In addition, Council asked on December 7, 2009 to come back with a discussion on banning shake shingles.	May 3, 2010

-63-

3rd Draft
SNOWMASS VILLAGE TOWN COUNCIL
REGULAR MEETING AGENDA
MAY 5, 2010

PLEASE NOTE THAT ALL TIMES ARE APPROXIMATE – ITEMS COULD START EARLIER OR LATER THAN THE STATED TIME

CALL TO ORDER AT 5:00 P.M.

Item No. 1: ROLL CALL

Item No. 2: PUBLIC NON-AGENDA ITEMS
(5-minute time limit)

Item No. 3: COUNCIL UPDATES

Item No. 4: SOLAR PROJECT AT MOUNTAIN VIEW
(Time: 45 Minutes)

ACTION REQUESTED OF COUNCIL: Review and provide feedback to Council regarding solar panels at Mountain View
--Paul Spencer – Clean Energy Collective – Environmental Advisory Committee

Item No. 5: PROCESS FOR SISTER CITIES
(Time: 30 Minutes)

ACTION REQUESTED OF COUNCIL: Provide directions if applicable on next steps.
--Lesley Compagnone.....Page (TAB)

Item No. 6: RODEO PLACE LOT 23 DISCUSSION
(Time: 30 Minutes)

ACTION REQUESTED OF COUNCIL: Discuss options and provide direction to staff
--Joe Coffey

Item No. 7 MANAGER'S REPORT
(Time: 10 minutes)

--Russell Forrest.....Page (TAB)

Item No. 8: AGENDA FOR NEXT TOWN COUNCIL MEETING

.....Page (TAB)

Item No. 9: APPROVAL OF MEETING MINUTES FOR:

.....Page (TAB)

64-

Item No. 10: COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS
.....Page (TAB)

Item No. 11: ADJOURNMENT

NOTE: Total time estimated for meeting: Approx 2 hours
(excluding items 1-3 and 9 -10)
ALL ITEMS AND TIMES ARE TENTATIVE AND SUBJECT TO
CHANGE WITHOUT FURTHER NOTICE. PLEASE CALL THE
OFFICE OF THE TOWN CLERK AT 923-3777 ON THE DAY OF
THE MEETING FOR ANY AGENDA CHANGES.

PLEASE JOIN TOWN COUNCIL FOR A SOCIAL AT **TASTER'S** AFTER
TONIGHT'S MEETING.
(If the Meeting ends before 9:00 p.m.)

-65-

SNOWMASS VILLAGE TOWN COUNCIL
REGULAR MEETING MINUTES
MARCH 15, 2010

CALL TO ORDER AT 5:00 P.M.

Mayor Boineau called to order the Regular Meeting of the Snowmass Village Town Council on Monday, March 15, 2010 at 5:06 p.m.

Item No. 1 ROLL CALL

COUNCIL MEMBERS PRESENT: Mayor Bill Boineau, John Wilkinson, Reed Lewis, Arnold Mordkin, and Markey Butler.

COUNCIL MEMBERS ABSENT: All council members were present.

STAFF PRESENT: Russ Forrest, Town Manager; John Dresser, Town Attorney; Hunt Walker, Public Works Director; Marianne Rakowski, Finance Director; Chris Conrad, Planning Director; Jim Wahlstrom, Senior Planner; David Peckler, Transit Manager; Rhonda B. Coxon, Town Clerk

PUBLIC PRESENT: Madeleine Osberger, Mel Blumenthal, Rick Griffin, Fred Kuker, George Bletses 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.

Item No. 3 COUNCIL UPDATES

Council Member Lewis asked how he can be sure to get a census packet as his neighbors received one, but he did not. Rhonda Coxon will investigate and respond.

Council Member Wilkinson stated that the RFTA Board is in favor of the continued free fare bus to Snowmass Village. He also noted he attended the Colorado Association of Ski Towns meeting with Russ Forrest. The main topics of discussion was medical marijuana and collection tax on vacation rentals on web sites. Council Member Mordkin asked the Town Attorney if this in violation of the Municipal Code and how do we enforce. Town Attorney John Dresser noted that not paying sales tax or having a business license are both Municipal Code violations.

Item No 4 FAB RECOMMENDATIONS ON CAPITAL PROJECTS

66-

Rick Griffin, previous Chair for the Financial Advisory Board and current Chair Fred Kuker, reviewed the recommendations on Capital Projects. Council requested that a sub-committee be formed to review them for future capital projects. The Subcommittee consisted of Mayor Boineau, Council Member Butler, Town Manager Russ Forrest and Financial Advisory Board Members Rick Griffin and David Rachofsky. Staff is developing an internal management policy based and intends to implement the recommendations as appropriate.

Finance Director Marianne Rakowski and Town Manager Russ Forrest defined what a capital project is for the Town Council. The FAB is providing these recommendations as a road map for future capital projects. John Dresser asked if this would be a guiding document or a controlling document and the Town Council stated the recommendations should be a guiding document.

Bob Kauffman from ROI said that we should consider what are "best practices."

Item No. 5 DISCUSSION OF FAB RESPONSIBILITIES

Rick Griffin, previous Chair of the FAB, proposed some new language for the Municipal Code to better define the duties and responsibilities of this Board. The Town Council reviewed the language, made minor changes and directed staff to prepare an ordinance.

Item No. 6 PRESENTATION ON CREDIT CARD ACCEPTANCE BY THE TOWN OF SNOWMASS VILLAGE

Finance Director Marianne Rakowski stated that Council requested a presentation on the feasibility of the Town to accept credit cards.

Council discussed the options presented by the staff and directed them to contract with MuniPay.

Arnold Mordkin made the motion to approve staff moving forward with implementing credit card acceptance. Markey Butler seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, Arnold Mordkin, and Markey Butler.

Voting Nay: None.

Item No. 7 PRESENTATION BY LUND EASTERLING REGARDING DALY TOWNHOME DISPUTE

67-

At this time Council Member Butler recused herself: the reason is that Susan Markwood, wife of Lund Easterling is an Employee of Colorado West Regional Health and Butler is the Chair of that Board.

Lund Easterling, a TOSV resident in Rodeo Place housing and previous owner of Unit 9 in the Daly Townhome, requested to speak with Town Council regarding the loss of use of a 68 square foot storage closet during the period of January 2003 to April 2009. Town Council is requested to determine a course of action for TOSV regarding the claim by the former owners.

The former owner alleges that they were intentionally deprived of the use of a storage closet assigned to the Daly Townhome unit they purchased from TOSV in January 2003. They also allege that because it was intentional, TOSV has a corrupt official in violation of the RICO Act. They further allege that TOSV discriminated against them by reason of national origin in violation of USC Section 1983 and the Fair Housing Act. TOSV acknowledged that a mistake was made when the keys to the storage unit were given to another unit owner at the Daly Townhomes. TOSV was unaware any mistake until claimants brought it to TOSV's attention some 6 years later. Negotiations to settle the claim, including mediation, have been on-going since the claim was made to TOSV. They have been unsuccessful to date. Easterling spoke to Council and provided his thoughts and concerns. He felt his family was taken advantage of and is asking the Town to pay what is owed to him.

Mayor Boineau made the motion to approve a settlement of the original offer of \$5,415 for the loss of the use of a storage closet. Arnold Mordkin seconded the motion.

Voting Aye: Mayor Bill Boineau, and Arnold Mordkin.

Voting Nay: John Wilkinson, and Reed Lewis.

Item No. 8 SECOND READING - ORDINANCE NO. 7, SERIES OF 2010 - DEVELOPMENT ON SLOPES GREATER THAN THIRTY PERCENT (30%) WITHIN LOT 1, RODEO PLACE SUBDIVISION

The applicant is requesting approval to permit the construction of two (2) duplex buildings on Lot 1, Rodeo Place Subdivision involving development within areas containing thirty percent (30%) slopes. First reading was approved at the March 1, 2010 Town Council Meeting.

Reed Lewis made the motion to approve second reading of Ordinance No. 7, Series of 2010 for development on slopes greater than thirty percent within Lot 1, Rodeo Place Subdivision. A roll call vote was taken. Arnold Mordkin seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

68-

Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, Arnold Mordkin, and Markey Butler.

Voting Nay: None.

Item No. 9 PUBLIC HEARING AND RESOLUTION NO. 15, SERIES OF 2010-RODEO PLACE MINOR SUBDIVISION AMENDMENT

Mayor Boineau opened the Public Hearing at this time.

Planning Director Chris Conrad noted that the applicant is requesting approval to amend the Rodeo Subdivision plat, specifically involving Lots 1, 4 and "Open Space A" and to amend Town Council Resolution No. 39, Series of 2006 which was approved and specified development parameters for the Rodeo Place Subdivision.

He noted that on February 2, 2009, the Town Council directed that the Application precede with planning and designing Phase 2 of the Rodeo Place development which included Lot 1 and 4. As directed at that time, the Applicant has now submitted this application to amend the original subdivision approval to permit the construction of two (2) duplex units within Lot 1 instead of the originally proposed tri-plex unit. The development proposal for Lot 1 involves encroaching into thirty percent (30%) slopes and second reading of an ordinance to permit the encroachment is scheduled for consideration in conjunction with this Minor Subdivision Amendment. After a lengthy discussion by the Town Council the Public Hearing was continued to April 5th, 2010 Council meeting and the resolution was tabled.

Arnold Mordkin made the motion to table to the April 5th Town Council meeting. Council directed staff to take Lot 4 out of the Resolution. John Wilkinson seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, Arnold Mordkin, and Markey Butler.

Voting Nay: None.

Item No. 10 RECREATION CENTER SUBSIDY

Public Works Director Hunt Walker and Recreation Center Director Andy Worline noted that during the 2010 budget discussions, Council asked staff to compare the actual subsidy with the projected subsidy produced before the Recreation Center was built, and to also research ways to reduce the subsidy.

Town Council discussed memberships, subsidy, actual costs, concessions, fitness classes/trainers and the current fee structure. Staff recommendation is to make the fee

69-

structure a single rate not a two-tiered system, or leave it the same and raise the fees 10 or 20 percent.

Council consensus was to experiment with the single rate fee and take a look at the results during the next budget period. Council Member Wilkinson was against this recommendation.

Item No. 11 SNOWMELT ROAD CMP

Public Works Director Hunt Walker and Road Supervisor John Baker were present to discuss the Construction Management Plan for the Carriageway Daly Lane Snowmelt Replacement Project.

Walker noted that last summer Town staff discovered leaks in the snowmelt piping on both Daly Lane and Carriageway Road in the vicinity of Lot 6. Two snowmelt-piping loops failed. He noted concern that additional sections of road would fail during this winter causing a major disruption in access to Mall area businesses, but luckily he noted there has not been another failure so far. Walker noted they couldn't schedule the replacement project last fall, but he has scheduled it this spring from April 13 to June 1, 2010 when it will have the least impact on the Mall. As in past Carriageway/Snowmelt Projects he stated the Public Works department will do the best they can to minimize the impact to access on Daly Lane and the Mall. Walker stated the CMP is included in today's packet for Town Council review.

Council Member Lewis asked that the Town PIO (Public Information Officer) supply information to the Public regarding the stores that are open during this time, their hours of operation and the easiest access to them during this construction.

Item No. 12 EOTC DISCUSSION

Town Manager Russ Forrest stated that the upcoming EOTC meeting is Thursday, March 18, 2010 at 4:00 p.m. in Aspen and that Council presence and participation is critical. Council Member Wilkinson stated that at the RFTA Board meeting Dwayne Romero summarized why the free fare bus service was beneficial to both communities and feels several Aspen City Council and BOCC members are in favor of continuing the service. He is hopeful this will be evident at the EOTC Meeting.

Item No. 13 MANAGER'S REPORT

Ian Long approached the Town Council to request a discussion on creating a short term stimulus for small residential construction projects. Staff met with Long several times to discuss ideas. His primary idea was to waive the excise tax for a period of six months. After reviewing the ballot language and the legal issues associated with that, staff concluded that was not something that could be recommended. The ballot language

70-

was very specific on the rate and methodology for excise tax calculation. Staff also discussed a rebate on building fees. However, Long did not believe that would be significant enough to generate new interest in construction.

Item NO. 14 AGENDA FOR NEXT TOWN COUNCIL MEETING

Town Manager Russ Forrest stated there were a few changes to the April 5th, 2010 agenda. The Rodeo Place Resolution will be added from tonight's direction, a FAB Ordinance, the current Item No. 6 will be postponed and the current Item number 7 will be moved to April 19, 2010 agenda.

Item No. 15 APPROVAL OF MEETING MINUTES FOR JANUARY 4, 2010

Markey Butler made the motion to approve the minutes for January 4, 2010 as amended. Reed Lewis seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, Arnold Mordkin, and Markey Butler.

Voting Nay: None.

Item No. 16 COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS

There was no discussion on this item.

Item No. 17 ADJOURNMENT

At 9:10 p.m.

Arnold Mordkin made the motion to adjourn the Regular Meeting of the Snowmass Village Town Council on Monday, Mach 15, 2010. Markey Butler seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, Arnold Mordkin, and Markey Butler.

Voting Nay: None.

Submitted By,

Rhonda B. Coxon, Town Clerk

71-

April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2 GOOD FRIDAY 	3
4 Easter Sunday 	5 TOWN COUNCIL MEETING 5:00 P.M. 	6	7	8	9	10
11	12	13	14	15	16	17
18	19 TOWN COUNCIL MEETING 5:00 P.M. 	20	21	22 Earth Day 	23	24
25	26	27	28	29	30	
			31			

2010

May

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
						1
2	3 Town Council Meeting 5:00 p.m. 	4	5	6	7	8
9 Mother's Day	10	11	12	13	14	15
16	17 Town Council Meeting 5:00 p.m. 	18	19	20	21 TOWN CLEAN UP DAY	22
23	24	25	26	27	28	29
30	31 Memorial Day		73-			

2009