

SNOWMASS VILLAGE TOWN COUNCIL
REGULAR MEETING AGENDA
OCTOBER 18, 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: RESOLUTION NO. 42, SERIES OF 2010 – ENCOURAGING A YES VOTE ON REFERENDUM 2E
(Time: 5 Minutes)
ACTION REQUESTED OF COUNCIL: Approve, Modify or Deny
Resolution No. 42, Series of 2010
--Russ Forrest.....Page 1 (TAB A)

Item No. 5: RESOLUTION NO. 44, SERIES OF 2010 – APPROVING THE 2011 BUDGET
A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR THE TOWN OF SNOWMASS VILLAGE AND ADOPTING FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2011 AND ENDING ON THE LAST DAY OF DECEMBER, 2011 AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUND FOR THE 2011 BUDGET YEAR.
(Time: 15 minutes)
ACTION REQUESTED OF COUNCIL: Approve, modify or deny
Resolution No. 44, Series of 2010.
--Marianne Rakowski.....Page 4 (TAB B)

Item No. 6: FIRST READING – ORDINANCE NO. 17, SERIES OF 2010 – AMENDING THE 2010 BUDGET
AN ORDINANCE AMENDING THE 2010 BUDGET FOR ALL FUNDS FOR THE TOWN OF SNOWMASS VILLAGE
(Time: 10 minutes)
ACTION REQUESTED OF COUNCIL: Approve, modify or deny First Reading of Ordinance No. 17, Series of 2010.
--Marianne Rakowski.....Page 13 (TAB C)

Item No. 7: FIRST READING – ORDINANCE NO. 15, SERIES OF 2010 – AN ORDINANCE TO REPLACE SECTION 18-224 OF THE TOWN OF SNOWMASS VILLAGE MUNICIPAL CODE – REVISING THE RENEWABLE ENERGY OFFSET PROGRAM (REOP) FEES

(Time: 30 Minutes)

ACTION REQUESTED OF COUNCIL: Determine if there should be any changes to the current fee structure.

--Mark KittlePage 16 (TAB D)

Item No. 8: PUBLIC HEARING AND SECOND READING --ORDINANCE NO. 16, SERIES OF 2010 - AMENDING AND RESTATING CERTAIN PROVISIONS OF CHAPTER 16A, LAND USE AND DEVELOPMENT CODE, OF THE TOWN OF SNOWMASS VILLAGE MUNICIPAL CODE

(Time: 15 Minutes)

ACTION REQUESTED OF COUNCIL: Review amendments and provide direction to staff

--Chris Conrad.....Page 27 (TAB E)

Item No. 9: ASPEN SKIING COMPANY BI-ANNUAL REPORT

(Time: 60 Minutes)

ACTION REQUESTED OF COUNCIL: Listen to presentation and provide feedback.

--Aspen Skiing Co.....Page 40 (TAB F)

Item No. 10: MANAGER'S REPORT

(Time: 10 minutes)

--Russell Forrest.....Page 41 (TAB G)

Item No. 11: AGENDA FOR NEXT TOWN COUNCIL MEETING

- November 1, 2010

.....Page 43 (TAB H)

Item No. 12: APPROVAL OF MEETING MINUTES FOR:

- September 20, 2010

.....Page 45 (TAB I)

Item No. 13: COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS

.....Page 52 (TAB J)

Item No. 14: EXECUTIVE SESSION

Town Council will now meet in Executive Session pursuant to C.R.S. 24-6-402(4) (f) (I) and Snowmass Village Municipal Code Section 2-45(c), to specifically discuss one item:

- a) Personnel matter except if the employee who is the subject of the session has requested an open meeting, or if the personnel Matter involves more than one employees have requested and open meeting With respect to hearings held pursuant to the "Teacher Employment, Compensation and Dismissal Act of

1990", article 63 of Title 22, C.R.S., the provisions of section 22-63-302 (7) (a) C.R.S., shall govern in lieu of the provisions of this subsection (4).

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

Item No. 15: ADJOURNMENT

NOTE: Total time estimated for meeting: Approx 3 hours (excluding items 1-3 and 12 -15)
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.

MEMORANDUM

TO: Snowmass Village Town Council
FROM: Russ Forrest
DATE: October 18, 2010
SUBJECT: Resolution No. 42, Series of 2010

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

Consideration and approval of Resolution No. 42 supporting Referendum 2E, and urging Snowmass Village voters to vote for Referendum 2E.

II. SUMMARY OF PROJECT

Referendum 2E provides funding for contribution to the acquisition of the Droste property by Pitkin County Open Space and Trails.

III. BACKGROUND

Town Council put forth this question and is now indicating Council's support of the question and asking the TOSV electorate to support the question as well.

IV. DISCUSSION ITEMS: ALTERNATIVES AND IMPLICATIONS

Should TOSV support Referendum 2E?

V. STAFF RECOMMENDATIONS AND FINDINGS

Staff recommends Town Council approve resolution No. 42.

-/-

**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

**RESOLUTION NO. 42
SERIES OF 2010**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SNOWMASS
VILLAGE EXPRESSING SUPPORT FOR TOWN OF SNOWMASS VILLAGE
REFERENDUM 2E TO PROVIDE FUNDING TO PITKIN COUNTY OPEN SPACE AND
TRAILS FOR THE ACQUISITION OF THE DROSTE PROPERTY**

WHEREAS, voters in the Town of Snowmass Village will have the opportunity at the November 2 general election to contribute to the acquisition of the Droste property by passing Referendum 2E; and

WHEREAS, the Town of Snowmass Village has the opportunity to participate in the acquisition of the Droste property by Pitkin County Open Space and Trails in order to preserve this singularly beautiful parcel of undeveloped land bordering Snowmass Village in perpetuity; and

WHEREAS, because Referendum 2E provides a dedicated source of funds that may only be used for the acquisition of the land: and

WHEREAS, providing additional undeveloped lands around Snowmass Village for recreation purposes and trail connections encourages residents and visitors to enjoy Snowmass Village's wonderful natural environment; and

WHEREAS, the funding sought by Referendum 2E will not effectively increase local property taxes as the amount of revenue sought is equal to the amount of tax that has been in effect in order to satisfy the bond debt for the construction of the Town's Operation Center, which bonds are retiring in 2010; and

WHEREAS, state law permits the Town Council of the Town of Snowmass Village to put forth this resolution in support of Referendum 2E; and

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

1. That the Town Council of the Town of Snowmass Village supports the ballot question known as Referendum 2E.
2. That the Town Council of the Town of Snowmass Village urges all citizens of Snowmass Village to vote for Referendum 2E.

INTRODUCED, READ AND ADOPTED, as amended by the Town Council of the Town of Snowmass Village, Colorado, on the 18th day of October, 2010 upon a motion made by Council Member _____ and seconded by Council Member _____ and 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

MEMORANDUM

TO: Snowmass Village Town Council

FROM: Russ Forrest, Town Manager
Marianne Rakowski, Finance Director

DATE: October 18, 2010

SUBJECT: Adopting and appropriating funds for the 2011 Budget for all funds of the Town of Snowmass Village

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

Review and approve Resolution No. 44, Series of 2010. A Resolution adopting and appropriating funds for the 2010 Budget for all funds of the Town of Snowmass Village

II. BACKGROUND

Following the budget meeting on October 7, 2010, the following changes/adjustments were made to the 2011 proposed budget:

A. General Fund

- Begin Transportation service cuts after the winter season.
- Do not hire for one seasonal position.
- Delay purchase of Police vehicles to future years.
- Reduce Personnel Cuts in Recreation Center for 2011.
- Adjust revenues for Transfer In-RETT for changes to Recreation Center budget and Transportation Service Cuts.

B. Real Estate Transfer Tax Fund

- Reduced Transfer-Out to the General Fund for the reduction in personnel costs in the Recreation Center and a reduction in Transportation service cuts.

Per the Home Rule Charter, the Town Council adopts the budget by resolution. This resolution adopts and appropriates funds for the 2011 budget.

The Financial Advisory Board reviewed the budget on September 8, 2010 and recommends adoption of the 2011 budget.

Below is a summary of all funds of the Town of Snowmass Village.

**Town of Snowmass Village
All Funds - Budget Summary -
2011**

<u>Fund</u>	<u>Beginning Balance</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Transfers</u>	<u>Other</u>	<u>Ending Balance</u>
General Fund	\$ 5,713,208	\$ 8,722,643	\$ (12,276,021)	\$ 3,124,394	\$ (40,000)	\$ 5,244,224
Debt Service Fund	\$ 1,397	\$ 1,530,675	\$ (1,530,676)			\$ 1,396
Lottery Fund	\$ 75,318	\$ 19,986				\$ 95,304
RETT Fund	\$ 3,409,788	\$ 1,321,870	\$ (1,098,225)	\$ (1,282,590)		\$ 2,350,843
Road Fund	\$ 899,608	\$ 2,829,546	\$ (1,112,137)	\$ (1,841,804)		\$ 775,213
Excise Tax Fund	\$ 4,744,572	\$ 2,720,000	\$ (170,000)			\$ 7,294,572
Marketing Fund	\$ 316,779	\$ 3,185,598	\$ (3,182,107)			\$ 320,270
Group Sales Fund	\$ 308,632	\$ 1,012,685	\$ (1,141,608)			\$ 179,709
CIP Fund	\$ -	\$ -	\$ -	\$ -		\$ -
Reop Fund	\$ 5,252	\$ -	\$ (5,000)			\$ 252
Housing Fund	\$ 975,212	\$ 1,243,060	\$ (1,174,502)		\$ (177,795)	\$ 865,975
Mtn View I Fund	\$ 1,987,823	\$ 981,960	\$ (930,116)		\$ (61,942)	\$ 1,977,725
Mtn View II Fund	\$ 203,180	\$ 238,515	\$ (210,512)			\$ 231,183
TOTAL Funds	\$ 18,640,769	\$23,806,538	\$(22,830,904)	\$ -	\$ (279,737)	\$19,336,666

V. STAFF RECOMMENDATIONS AND FINDINGS

Adoption of Resolution No. 44, Series of 2010.

Note: A copy of the 2011 budget is available at the Town Clerks office.

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SNOWMASS VILLAGE TOWN COUNCIL
RESOLUTION NO. 44
SERIES OF 2010

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR THE TOWN OF SNOWMASS VILLAGE AND ADOPTING A BUDGET FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2011 AND ENDING ON THE LAST DAY OF DECEMBER, 2011 AND APPROPRIATING SUMS OF MONEY TO ALL FUNDS FOR THE 2011 BUDGET YEAR.

WHEREAS, the Town Council of the Town of Snowmass Village has appointed Russell Forrest, Town Manager to prepare and submit a proposed budget to the Town Council by December 31, 2010; and

WHEREAS, Russell Forrest, Town Manager has submitted a proposed 2011 budget to the Town Council on October 18, 2010; and

WHEREAS, projected expenditures have been budgeted with projected revenues so that the budget remains in balance, as required by law; and

WHEREAS, the Town of Snowmass Village has made provision therein for revenues and fund balance in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

WHEREAS, the 2011 Highway User Tax and County Road and Bridge Funds will be expended on road projects in the Public Works Road Division and Road Fund; and

WHEREAS, upon due and proper notice, published and posted in accordance with the law, said revised and proposed budget was open for inspection by the public at the Town Clerk's office, a Public Hearing was held on October 18, 2010, and interested taxpayers were given the opportunity to file or register any objections to said revised and proposed budget.

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

Section One:

That the estimated expenditures for 2011 for each fund are as follows:

General Fund	\$12,316,021
Housing Fund	1,352,297
Debt Service Fund	1,530,676
Mountain View Fund	992,059
Lottery Fund	-0-
Real Estate Transfer Tax Fund	2,380,815
Mountain View Phase II Fund	210,512
Road Fund	2,953,941
Excise Tax Fund	170,000

Marketing & Special Events Fund	3,182,107
Capital Improvement Fund	-0-
Group Sales Fund	1,141,608
REOP Fund	5,000
Total Fund Expenditures	\$26,235,036

Section Two:

That the estimated revenues including carryover for each fund are as follows:

General Fund	\$17,560,245.00
Housing Fund	2,218,272.00
Debt Service Fund	1,532,072.00
Mountain View Fund	2,969,783.00
Lottery Fund	95,304.00
Real Estate Transfer Tax Fund	4,731,658.00
Mountain View Phase II Fund	441,695.00
Road Fund	3,729,154.00
Excise Tax Fund	7,464,572.00
Marketing & Special Events Fund	3,502,377.00
Capital Improvement Fund	-0-
Group Sales Fund	1,321,317.00
REOP Fund	5,252.00
Total Fund Revenues	\$45,571,701.00

General Fund

Carryover	\$ 5,713,208.00
Sources other than property tax	11,519,940.00
General Property Tax	327,097.00

Total General Fund \$17,560,245.00

Housing Fund

Carryover	\$ 975,212.00
Sources other than property tax	1,243,060.00
General Property Tax	-0-

Total Housing Fund \$ 2,218,272.00

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Debt Service Fund	
Carryover	\$ 1,397.00
Sources other than property tax	-0-
General Property Tax	1,530,675.00
Total Debt Service Fund	\$ 1,532,072.00
Mountain View Fund	
Carryover	\$ 1,987,823.00
Sources other than property tax	981,960.00
General Property Tax	-0-
Total Mountain View Fund	\$ 2,969,783.00
Lottery Fund	
Carryover	\$ 75,318.00
Sources other than property tax	19,986.00
General Property Tax	-0-
Total Lottery Fund	\$ 95,304.00
Real Estate Transfer Tax Fund	
Carryover	\$ 3,409,788.00
Sources other than property tax	1,321,870.00
General Property Tax	-0-
Total Real Estate Transfer Tax Fund	\$ 4,731,658.00
Mountain View Phase II Fund	
Carryover	\$ 203,180.00
Sources other than property tax	238,515.00
General Property Tax	-0-
Total Mountain View Phase II Fund	\$ 441,695.00
Road Fund	
Carryover	\$ 899,608.00
Sources other than property tax	11,975.00
General Property Tax	2,817,571.00
Total Road Fund	\$ 3,729,154.00

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Excise Tax Fund	
Carryover	\$ 4,744,572.00
Sources other than property tax	2,720,000.00
General Property Tax	-0-
Total Excise Tax Fund	\$ 7,464,572.00

Marketing & Special Events Fund	
Carryover	\$ 316,779.00
Sources other than property tax	3,185,598.00
General Property Tax	-0-
Total Marketing & Special Events Fund	\$ 3,502,377.00

Capital Improvement Fund	
Carryover	\$ -0-
Sources other than property tax	-0-
General Property Tax	-0-
Total Capital Improvement Fund	\$ -0-

Group Sales Fund	
Carryover	\$ 308,632.00
Sources other than property tax	1,012,685.00
General Property Tax	-0-
Total Group Sales Fund	\$ 1,321,317.00

REOP Fund	
Carryover	\$ 5,252.00
Sources other than property tax	-0-
General Property Tax	-0-
Total REOP Fund	\$ 5,252.00

Section Two:

That the following sums are hereby appropriated from the revenue of each fund, to each fund, for the purposes stated:

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General Fund

Operating Expenditures	\$ 11,678,667.00
Capital Expenditures	597,354.00
One-time Expenditures	40,000.00
Capital Reserves	453,445.00
Emergency Contingency	277,091.00
General Reserve	4,513,688.00

Total General Fund \$ 17,560,245.00

Housing Authority Fund

Operating Expenditures	\$ 623,502.00
Debt Service	551,000.00
Capital Expenditures	177,795.00
Bond Reserve	300,000.00
Capital Reserve	329,863.00
Unappropriated Reserve	236,112.00

Total Housing Fund \$ 2,218,272.00

Debt Service Fund

Debt Service	\$ 1,526,676.00
Debt Service Reserve	1,396.00
Operating Expenditures	4,000.00

Total Debt Service Fund \$ 1,532,072.00

Mountain View Fund

Operating Expenditures	\$ 377,569.00
Debt Service	552,548.00
Capital Expenditures	61,942.00
Bond Reserve	528,000.00
Capital Reserve	423,248.00
Unappropriated Reserve	1,026,477.00

Total Mountain View Fund \$ 2,969,784.00

Lottery Fund

Operating Expenditures	\$ -0-
Capital Expenditures	-0-
Unappropriated Reserve	95,304.00
Total Lottery Fund	\$ 95,304.00

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Real Estate Transfer Tax Fund	
Operating Expenditures	\$ 2,380,815.00
Capital Expenditures	-0-
Undesignated Reserve	810,614.00
General Reserve	1,000,000.00
Capital Equipment Reserve	540,229.00
 Total Real Estate Transfer Tax Fund	 \$ 4,731,658.00
 Mountain View Phase II Fund	
Operating Expenditures	\$ 66,037.00
Capital Expenditures	-0-
Debt Service	144,475.00
Capital Reserve	96,573.00
Unappropriated Reserve	134,610.00
 Total Mountain View Phase II Fund	 \$ 441,695.00
 Road Fund	
Operating Expenditures	\$ 1,923,155.00
Capital Expenditures	1,030,786.00
Unappropriated Reserve	\$ 775,213.00
 Total Road Fund	 \$ 3,729,154.00
 Excise Tax Fund	
Operating Expenditures	\$ 170,000.00
Capital Expenditures	-0-
Unappropriated Reserve	\$ 7,294,572.00
 Total Excise Tax Fund	 \$ 7,464,572.00
 Marketing & Special Events Fund	
Operating Expenditures	\$ 3,182,107.00
10% Reserve	318,560.00
Unappropriated Reserve	\$ 1,710.00
 Total Marketing & Special Events Fund	 \$ 3,502,377.00

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Capital Improvement Fund	
Operating Expenditures	\$ -0-
Capital Expenditures	-0-
Capital Improvement Fund	
	\$ -0-
Group Sales Fund	
Operating Expenditures	\$ 1,141,608.00
10% Reserve	101,269.00
Unappropriated Reserve	78,441.00
Group Sales Fund	
	\$ 1,321,318.00
REOP Fund	
Operating Expenditures	\$ 5,000.00
Unappropriated Reserve	\$ 252.00
Total REOP Fund	
	\$ 5,252.00

Section Four: Direction

1. That the 2011 Town of Snowmass Village Budget be adopted and appropriated, a true and accurate copy of which is attached hereto.

INTRODUCED, READ AND ADOPTED by the Town Council of the Town of Snowmass Village, Colorado on the 18th day of October, 2010 with a motion made by _____, seconded by _____. The motion was approved by a vote of ___ in favor to ___ opposed.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

ATTEST:

Rhonda Coxon, Town Clerk

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MEMORANDUM

TO: Snowmass Village Town Council

FROM: Marianne Rakowski, Finance Director
Russ Forrest, Town Manager

DATE: October 18, 2010

SUBJECT: First Reading of Ordinance No. 17, Series of 2010 Amending the 2010 Budget for all funds of the Town of Snowmass Village

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

First Reading of an Ordinance amending the 2010 Budget for all funds of the Town of Snowmass Village

II. BACKGROUND

A. Per the Home Rule Charter, the Town Council adopts the budget by resolution, but any amendments to the original budget must be by ordinance. This ordinance amends the 2010 budget and authorizes the appropriation of those funds.

The Financial Advisory Board reviewed the budget on September 8, 2010 and recommends adoption of the 2010 revised budget.

2010 General Fund Budget Summary

2010 revised operating revenues are projected lower than budget by \$548,628. The revised revenues reflect a decrease in RTA service contract, building and planning department fees, solid waste revenues, interest income and transfers in.

2010 revised expenditures are projected lower than budget by \$185,154 as a result of lower fuel costs, utilities and personnel costs.

The 2010 revised budget is projected to end the year with an additional \$291,420 in fund balance due to the additional year end carryover from 2009.

Road Fund

2010 revised expenditures were changed to reflect actual road work completed or expected to be completed in 2010.

III. STAFF RECOMMENDATION

Adoption of Ordinance No. 17, Series of 2010.

Note: Copy of the 2010 revised budget is available at the Town Clerks office.

SNOWMASS VILLAGE TOWN COUNCIL
ORDINANCE NO. 17
SERIES OF 2010

AN ORDINANCE AMENDING THE 2010 BUDGET FOR ALL FUNDS FOR THE TOWN OF SNOWMASS VILLAGE.

WHEREAS, the Town Manager, has submitted a 2010 Revised Budget; and

WHEREAS, the 2010 budget, revenues and expenditures have varied from budgeted amounts; and

WHEREAS, planning and building department fees, transportation parking fees and transfers in from other funds are revised lower than budgeted and General Fund expenditures were revised lower due to decreases in personnel costs, dump fees and utilities; and

WHEREAS, the Town of Snowmass Village Home Rule Charter requires adjustments to the budget when circumstances change relating to the budget.

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

Section One: Revised Budget

That the Town of Snowmass Village 2010 budget be adjusted to the 2010 revised budget, a true and accurate copy of which is attached hereto.

Section Two: Appropriation

That the 2010 revised budgeted revenue is hereby appropriated for expenditure during the 2010 budget year.

Section Three: Effective Date

This Ordinance shall become effective upon adoption in accordance with Article X, Section 9.11 (e) of the Home Rule Charter.

INTRODUCED, READ AND ADOPTED on first reading by the Town Council of Snowmass Village, Colorado on the 18th day of October, 2010 with a motion made by _____ and seconded by _____ and by a vote of ___ in favor to ___ opposed.

INTRODUCED, READ AND ADOPTED on second reading by the Town Council of Snowmass Village, Colorado on the 1st day of November, 2010 with a motion made by _____ and seconded by _____, and by a vote of ___ in favor to ___ opposed. A roll call was taken, those in favor were _____, those opposed were _____.

TOWN OF SNOWMASS VILLAGE

Bill Boineau, Mayor

ATTEST:

Rhonda Coxon, Town Clerk

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MEMORANDUM

TO: Snowmass Village Town Council

FROM: Mark Kittle. Chief Building official

DATE: October 18, 2010

SUBJECT: **Review of Renewable Energy Offset Program**

I. PURPOSE AND ACTIONS REQUESTED OF COUNCIL:

1. To review Ordinance # 15, Series of 2010.
2. Obtain feedback from staff and the public.
3. Direct staff to:
 - a. Approve Ordinance at 1st Reading, set Public Hearing & 2nd Reading
 - b. Amend Ordinance at 1st Reading, set Public Hearing & 2nd Reading
 - c. Deny Ordinance

II. BACKGROUND

Ordinance # 11, Series of 2008 was implemented in the early fall of 2008. Its purpose was to regulate the fossil fuel energy use for both residential and commercial applications through on-site renewable energy methods or by paying a fee in-lieu. This section of the ordinance applies to both residential and commercial exterior energy uses including spas, swimming pools, snowmelt and heated garages.

The second part of the ordinance pertains to residential building energy uses, specifically HERS (Home Energy Rating System) ratings and compliance with such.

The third element of the ordinance addresses the energy uses of commercial buildings.

Due to the amount of changes involved in Ordinance # 11, Series of 2008, I have completely reorganized the ordinance and it is now Ordinance # 15, Series of 2010.

III. APPLICABLE REGULATIONS

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IV. OTHER HEADINGS RELATED TO THE TOPIC

How exterior energy use compares to Aspen / Pitkin County

	Snowmass Village	APC
Residential Snowmelt	\$34/SF	\$34/SF
Residential Pool	\$136/SF	\$136/SF
Residential Spa	\$176/SF	\$176/SF
Commercial Snowmelt	\$34/SF	\$60/SF
Commercial Pool	\$136/SF	\$170/SF
Commercial Spa	\$176/SF	\$176/SF

Snowmass Village currently requires payment of the fee or 50% of the annual energy use to be renewable.

Aspen / Pitkin issues credits per kilowatt or square feet of solar hot water, for example:

A credit of \$6,241.20 is given for each kilowatt of a Photovoltaic system.

A credit of \$125.00 is given for each square foot of solar hot water.

This method is much more flexible than our current ordinance which is an "all or nothing" approach, either pay the fees or provide 50% renewable on site. The Aspen / Pitkin ordinance allows partial fees with the balance in renewable credits.

Please find enclosed in your packet a memorandum from the Environmental Advisory Committee outlining the latest changes and their recommendations.

V. DISCUSSION ITEMS

Snowmass Village currently adheres to the same provisions of exterior energy use as Aspen, Pitkin County and Basalt with Aspen being slightly more restrictive

in the commercial applications, especially snowmelt. The Building Department has not encountered a great deal of opposition to the Ordinance in terms of "interior" energy use, but has had numerous discussions regarding both the commercial and residential aspects of "exterior" energy use. To date, we have only collected REOP fees on (2) projects, one being the Deerbrook Condominium renovation of the site's exterior stairs and walkways and the other being a heated garage at Rodeo Place. Most applicants have discontinued their plans for exterior energy uses when they realized the fees involved

As far as commercial "interior" energy uses, the 2009 IECC is now about 15 to 20 percent more energy efficient than the previous 2003 IECC (the code in effect at the time this Ordinance was adopted) which, in turn, makes it very difficult to comply with the code. This is the primary reason for decreasing the energy requirements for commercial buildings from the existing 30% to the revised 15% "better than the code in effect at the time". This provision needs to be revised as it is almost impossible to comply. Essentially, a commercial building would have to be 50% more energy efficient than the 2003 IECC.

VI. STAFF RECOMMENDATIONS AND FINDINGS

1. Obtain citizen feedback.
2. Revise ordinance accordingly

Changes made since last meeting on September 27, 2010

1. Line item 102

Added the following text: "Snowmelt systems shall be limited to not more than 10% of the developable area of the parcel".

2. Line item 105

Added the following text: "Hot water fossil fuel boilers utilized for exterior energy uses shall have a minimum efficiency of 90% AFUE".

3. Line item 188

Deleted the following text: "Double exemptions are not allowed under this section".

4. Line item 189

Added the following text: "Appeals. An application that has been denied by the Chief Building Official, that may have hazardous conditions or unusual circumstances, may be submitted to the Building Department Board of Appeals for review.

VII. NEXT STEPS

1. No changes to draft; set Public Hearing
2. Amend draft; set Public hearing

1 **Town of Snowmass Village**
2 **Town Council**

3
4 **Ordinance No. 15**
5 **Series of 2010**
6

7 **AN ORDINANCE TO REPLACE SECTION 18-224 OF THE TOWN OF**
8 **SNOWMASS VILLAGE MUNICIPAL CODE**
9

10 **WHEREAS**, the Town Council supports and promotes energy conservation and
11 the use of energy efficient building practices within the Town of Snowmass Village, and
12

13 **WHEREAS**, the Town Council supports and promotes renewable energy
14 generation within the Town of Snowmass Village, and
15

16 **WHEREAS**, the Town Council finds it necessary and beneficial to establish
17 building efficiency standards that exceed those required under the Town's Energy
18 Conservation Code, and
19

20 **WHEREAS**, the Town Council finds it necessary and beneficial to require on-site
21 or community sited renewable energy generation to offset the energy demand of outdoor
22 amenities such as pools, hot tubs, snowmelt systems and heated garages, and
23

24 **WHEREAS**, the Town Council finds it necessary and beneficial to establish in-
25 lieu fee options for property owners that choose not to employ energy efficient building
26 practices, or that wish to build highly energy consumptive outdoor amenities, and
27

28 **WHEREAS**, the revenues derived from such in-lieu fees will establish a funding
29 mechanism to facilitate the development of renewable energy generation projects and
30 programs to enhance energy efficiency throughout the Village, and
31

32 **WHEREAS**, the Town Council finds that the adoption of this Ordinance is in the
33 best interest of the Town and is reasonably necessary to promote and preserve the public
34 health, safety and welfare.
35

36 **NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of
37 Snowmass Village, as follows:
38

39 **REPLACE IN ITS ENTIRETY:**

40 Section 18-224 Building Efficiency Standards and Renewable Energy Offset Program
41 (REOP)
42

43 **WITH:**

44 Section 18-224 Home Energy Rating System (HERS) and Renewable Energy Offset
45 Program (REOP)

-20-

46 **1. Residential Construction**

47
48 This Section shall apply to all new residential construction regulated by the International
49 Residential Code including additions of 1,000 square feet or more. Compliance with this
50 Section will require the submission of a Home Energy Rating System (HERS) rating in
51 conjunction with the Building Permit application. Prior to receiving a Certificate of
52 Occupancy or Completion a final HERS rating certificate, based upon field inspections
53 and testing done during and at the end of construction, shall be submitted to the Building
54 Department to verify compliance.
55

56 **TABLE 1**

57 Size of Project	HERS Index	Fee in Lieu
58 1000 - 3000 SF	80	\$ 3.00 / SF
59 3001 - 5000 SF	75	4.00 / SF
60 5001 - 10,000 SF	70	5.00 / SF
61 Over 10,000 SF	65	6.00 / SF

62
63
64
65 Applicants are required to achieve the required HERS Index or pay the fee in lieu as
66 listed in Table 1.
67

68 This Section shall apply to interior energy uses only. For exterior energy uses, see
69 Section Three.
70

71 **2. Commercial Construction**

72
73 This Section shall apply to all new commercial construction regulated by the
74 International Building Code including additions of 1,000 square feet or more.
75 Compliance with this Section requires the documentation of either COMcheck or DOE-2
76 simulated energy performance as listed in Table 2. This simulated energy performance
77 criteria shall exceed the requirements of the International Energy Conservation Code or
78 ASHRAE 90.1, whichever is applicable, by at least 15%
79

80 **TABLE 2**

81 Size of Project	Required Submittal	Fee in Lieu
82 1000 - 5000 SF	COMcheck or DOE-2	\$ 6.00 / SF
83 Over 5000 SF	DOE-2	7.00 / SF

84
85
86
87 Applicants are required to comply with the Submittal documents or pay the fee in lieu as
88 listed in Table 2
89

90 This Section shall apply to interior energy uses only. For exterior energy uses, see
91 Section Three.

92

93 3. Exterior Energy Uses

94

95 This Section shall apply to exterior energy uses including, but not limited to, outdoor
96 pools and spas, snowmelt systems and heated garages. 50% of the Annual Energy Use
97 (AEU) of all exterior systems shall be offset with on-site or off-site community
98 renewable energy systems approved by the Chief Building Official. Calculations for this
99 Section can be found in Table 3. Renewable credits for this Section can be found in

100 Table 4.

101

102 Snowmelt systems shall be limited to not more than 10% of the developable area of the
103 parcel.

104

105 Hot water fossil fuel boilers utilized for exterior energy uses shall have a minimum
106 efficiency of 90% AFUE.

107

108

109

TABLE 3

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111

System Type	REOP Payment Option
Snowmelt	\$ 34.00 / SF
Swimming Pool	\$ 136.00 / SF
Spa	\$ 176.00 / SF
Heated Garage	\$ 8.00 / SF

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TABLE 4

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Renewable Energy System	Allowed Credit
Solar Hot Water	\$ 125.00 / SF
Photo-voltaic	\$6.25 / watt
Ground Source Heat Pump (GSHP) (System must supply 20% of peak load for building heating and all exterior energy use)	\$ 6.75 /100,000BTU/yr
Micro-hydro generation	Case Specific

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22-

136	Wind generation	Case Specific
137		
138	Replacement of existing boiler	\$400.00 / 1% of increased
139		efficiency
140		
141		
142		
143		
144		
145		

Exemptions:

- 146
- 147
- 148 1. Residential snowmelt applications are allowed an exemption of 200 SF.
- 149
- 150 2. Residential snowmelt driveways exceeding 8 % slope. (Specific case
- 151 review)
- 152
- 153 3. Commercial multi-dwelling occupancies are allowed a snowmelt
- 154 exemption of 50 SF per dwelling.
- 155
- 156 4. Commercial and residential spas not more than 64 SF in surface area.
- 157
- 158 5. Accessible Route * (as defined in the IBC and ANSI A117.1)
- 159 a. Site arrival points. Accessible routes (a clear and unobstructed
- 160 path) within the site shall be provided from public transportation
- 161 stops; accessible parking; accessible passenger loading zones; and
- 162 public streets or sidewalks to the accessible building entrance
- 163 served.
- 164
- 165 b. Within a site. At least one accessible route shall connect
- 166 accessible buildings, accessible facilities, accessible elements and
- 167 accessible spaces that are on the same site.
- 168
- 169 c. Connected spaces. When a building or a portion of a building is
- 170 required to be accessible, an accessible route shall be provided to
- 171 each portion of the building, to accessible building entrances
- 172 connecting accessible pedestrian walkways and the public way.
- 173
- 174 **Snowmelt can be utilized to achieve these provisions without*
- 175 *offset or fees.*
- 176
- 177 6. Pre-existing Systems. Pre-existing snowmelt, pools or spas that are
- 178 being altered or renovated qualify for exterior energy credit. This credit
- 179 can only be applied towards an installation of exterior energy on the same
- 180 parcel. The calculation of the credit shall be based on Table 4 of this

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Section. An energy cost analysis of the existing system compared to the proposed system will be required to satisfy this exemption.

7. Repairs. Repairs to building components, systems or equipment which do not increase their pre-existing energy consumption need not comply with this Section. All replacement equipment shall be subject to current code provisions.

8. Appeals. An application that has been denied by the Chief Building Official, that may have hazardous conditions or unusual circumstances, may be submitted to the Building Department Board of Appeals for review.

EXAMPLE # 1
Snowmelt area of 1200 SF:
$\$34.00 \times 1200 / .92(\text{efficiency rating of boiler}) = \$44,347.83 \times 50\% = \$22,173.92$
$\$22,173.92 / \$125.00 = 178 \text{ SF of solar hot water panels, OR}$
$\$22,173.92 / \$6.25 = 3548 \text{ watts of solar photo-voltaic}$

195

196 **4. Energy Code Review Fee**

197

198 An Energy Code Review fee of \$1,000 or 10% of the project's building permit fee,
199 whichever is less, shall be paid prior to issuance of the main building permit. This fee
200 will cover the administrative costs associated with the plan review and field inspections
201 to verify compliance with this Section.

202

203 **5. Fee Collection**

204

205 Fees will be collected by the Town of Snowmass Village Building Department prior to
206 issuance of the main permit for the project. Collected fees shall be retained in a separate
207 account classified as the Town of Snowmass Village Renewable Energy Offset Program.

208

209 A building project will not be eligible to receive a Building Permit until the Permit
210 Applicant has demonstrated compliance with this Section by meeting the applicable
211 energy efficiency standards or paying the fees in lieu.

212

213 **6. Management and Appropriation of REOP Funds**

214

215 Fees collected and retained in the REOP account are to be managed by the Town
216 Manager, or their designee and such designee may be determined by Resolution of the
217 Town Council of the Town of Snowmass Village.

218
219 Expenditures of REOP funds shall be used for the following purposes:

- 220
- 221 a. Planning, design and implementation of renewable energy generation projects.
 - 222
 - 223 b. Purchase of renewable energy offsets (credits).
 - 224
 - 225 c. Providing a community grant and/or rebate program for energy efficiency
 - 226 enhancements or renewable energy generation projects.
 - 227
 - 228 d. Funding other resources and administrative costs associated with green
 - 229 building and environmental sustainability oriented efforts.
 - 230

231 Expenditures shall be consistent with the Renewable Energy Offset Program protocols; as
232 such protocols shall be described and approved by Resolution of the Town Council of the
233 Town of Snowmass Village prior to the effective date of this Ordinance.

234
235 **7. Effective Date and Applicability**

236
237 This Ordinance shall become effective on December 1, 2010 and shall apply to all
238 Building Permit applications received after that date.

239
240 **8. Waivers**

241
242 Upon receipt of a written waiver request from a project applicant, the Town Council may
243 elect to waive any or all of the provisions of this ordinance based upon a finding of
244 community benefit or public safety need.

245
246 **9. Severability**

247
248 If any provision of this Ordinance or application hereof to any person or circumstance is
249 held invalid, the invalidity shall not affect any other provision or application of this
250 Ordinance which can be given effect without the invalid provision or application, and, to
251 this end, the provisions of this Ordinance are severable.

252
253 **READ, APPROVED AND ADOPTED**, by the Town Council of
254 the Town of Snowmass Village at the First Reading on _____ upon a motion
255 by Council Member _____, the second of Council
256 Member _____, and upon a vote of _____ in favor
257 and _____ opposed.

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READ, APPROVED AND ADOPTED, by the Town Council of
the Town of Snowmass Village at the Second Reading on _____ 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 Coxon, Town Clerk

APPROVED AS TO FORM:

John Dresser, Town Attorney

MEMORANDUM

TO: Snowmass Village Town Council

FROM: Planning Department

DATE: October 18, 2010

SUBJECT: **PUBLIC HEARING & SECOND READING - ORDINANCE NO. 16,
SERIES OF 2010.**

AMENDMENTS TO CHAPTER 16A, LAND USE AND DEVELOPMENT
CODE.

Planner: Chris Conrad, Planning Director

- I. **PURPOSE AND ACTIONS REQUESTED OF COUNCIL:** The enclosed ordinance proposes twenty-eight (28) proposed amendments to Chapter 16A (Land Use and Development Code) of the Town of Snowmass Village Municipal Code included as Exhibit "A" of the ordinance.

Action Requested: Conduct the Public Hearing. Grant second reading approval, modify or deny Ordinance No. 16, Series of 2010.
- II. **SUMMARY OF DESCRIPTION PROJECT:** Please refer to the October 4 Town Council packet should you wish to review the "Redline" version of the proposed amendments included in Exhibit "A" of the enclosed ordinance. Changes are identified in red with stricken text being current language being deleted and underlined text identifying new language to be added. "Planning Notes" were added as brown text to briefly discuss the changes being proposed.
- III. **BACKGROUND:** First Reading approval of the ordinance was granted on October 4, 2010.

APPLICABLE REGULATIONS : The application is being reviewed as amendments to text of Land Use and Development Code pursuant to Section 16A-5-210 of the Snowmass Village Municipal Code ("Municipal Code").
- IV. **STAFF RECOMMENDATIONS AND FINDINGS:** Staff recommends that Town Council grant second reading approval of the ordinance, as may be amended at the meeting.
- V. **NEXT STEPS:** Staff is completing a Land Use Code amendment relating to "demolition" for consideration at their October 20 meeting. The employee housing regulations will require additional consulting work to update the research conducted two (2) years ago. Staff will also be working with Schmeuser Gordon Meyer to review and update the transportation impact analysis report regulations.

Attachment 1: Ordinance No. 16, Series of 2010

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**TOWN OF SNOWMASS VILLAGE
TOWN COUNCIL**

ATTACHMENT 1

**ORDINANCE No. 16
SERIES OF 2010**

**AN ORDINANCE AMENDING AND RESTATING CERTAIN PROVISIONS OF
CHAPTER 16A, LAND USE AND DEVELOPMENT CODE, OF THE TOWN OF
SNOWMASS VILLAGE MUNICIPAL CODE.**

WHEREAS, the Town Council approved Ordinance No. 1, Series of 2010 on February 22, 2010, thereby adopting the 2010 Town of Snowmass Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, Chapter 10, Actions and Implementation, of the Comprehensive Plan summarized the actions and implementations intended to implement goals and policies found in the individual Comprehensive Plan chapters; and

WHEREAS, amendments to Chapter 16A of the Snowmass Village Municipal Code ("Municipal Code") are necessary to implement certain action items identified within the Comprehensive Plan; and

WHEREAS, on May 17, 2010, the Town Council directed staff to prepare amendments to Chapter 16A of the Municipal Code as appropriate to implement Items 2, 6 and 8, Built Environment, of Chapter 10 of the Comprehensive Plan; and

WHEREAS, staff has proposed additional amendments to Chapter 16A of the Municipal Code for consideration at this time; and

WHEREAS, the amendments contained in this Resolution are being processed under the provisions of Section 16A-5-210 of the Municipal Code; and

WHEREAS, the Planning Commission reviewed the amendments on August 18 and September 15, 2010; and

WHEREAS, on September 15, 2010, the Planning Commission adopted Resolution No. 6, Series of 2010, unanimously recommending approval of the proposed amendments; and

WHEREAS, the Town Council commenced review of the application on October 4, 2010 and further discussed the item on October 18, 2010; and

WHEREAS, the public hearing notice was published in the Snowmass Sun on September 22, 2010 for the Town Council meeting on October 18, 2010 to consider Town staff and Planning Commission recommendations and receive public comments; and

WHEREAS, The Town Council has determined that the amendments to the Municipal Code as hereinafter set forth are necessary for the public health, safety and welfare.

28-

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010
(Page 1 of 10)

Amendments to Chapter 16A Town of Snowmass Village Municipal Code

The provisions of Chapter 16A of the Town of Snowmass Village Municipal Code are hereby amended and restated as follows:

1. That all references to "Community Development Department" be amended to read "Planning Department".

2. That Section 16A-2-20, Definitions, be amended as follows:

a. The following definition be added:

Hardscape means that part of a of a parcel's ground surface consisting of structures, such as plazas, patios, driveways and parking areas made with hard impervious materials.

b. The definition of "Open Space" be amended to read:

Open space means a portion of a lot or parcel which shall be unoccupied and unobstructed by any above-grade structures, parking areas, roads, driveways or real property zoned Open Space, depending on the context.

3. That the first paragraph of Section 16A-4-310(c), Reduction of Required Parking, is hereby amended and restated as follows:

(c) Reduction of Required Parking. Parking may be proposed to be reduced by one or more of the following options:

4. That Section 16A-5-50(a)(2), Complete application, is hereby amended and restated as follows:

(2) Complete application. If the application is complete, the Planning Director shall certify as complete, determine the required number of copies of the submission documents to be submitted and assign the application an agenda date with the applicable review body. Unless not required by the Planning Director, the applicant shall also submit the application material in an acceptable digital form for distribution and archival storage.

5. That Table 5-2, Timing of required public notices, is hereby amended and restated as follows: (See Next Page)

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010 (Page 2 of 10)

40

TABLE 5-2 TIMING OF REQUIRED PUBLIC NOTICES			
Application Type	Days Prior To Hearing That Public Notice Must Be Given		
	Published	Mailed	Posted
Amendment to Comprehensive Plan	30	No	No
Interpretation	No	No	No
Amendment to Text of Development Code	15	No	No
Amendment to Official Zone District Map	15	15	15
PUD Sketch Plan (Planning Commission)	10 ¹	No	No
PUD Sketch Plan (Town Council)	10	10	10
PUD Preliminary Plan	30	30	15
PUD Final Plan	No	No	No
PUD Amendment	15	30 (Major) 15 (Minor)	15
Special Review	15	15	15
Variance	30	30	15
Administrative Modification	No	15 ²	No
Subdivision Exemption	No	No	No
Subdivision	30	30	15
Subdivision Amendment	15	15	15
Annual Temporary Use	15	No	15
Administrative Temporary Use	No	No	No
Comprehensive Sign Plan	15	15	No

¹ No public hearing occurs before the Planning Commission; the required public notice is for the joint meeting, pursuant to Section 16A-5-320(c)(4), Joint Meeting.

² Mailed notice shall be by United States mail postage prepaid.

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-31-

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010
(Page 3 of 10)

42 **6. That the first paragraph of Section 16A-5-60(b)(3), Posting of notice, is hereby**
43 **amended and restated as follows:**
44

45 (3) Posting of notice. Posting of notice shall be accomplished by the applicant. The
46 applicant shall prepare and use a form approved by the staff. The applicant shall enter
47 onto the sign the date, time, location and purpose of the public hearing, and the name of
48 the decision-making body conducting the hearing. The applicant shall post the sign in a
49 conspicuous location on the subject property.
50

51 **7. That Section 16A-5-70(3), Amendment, is hereby added and shall be inserted to**
52 **precede Section 16A-5-70(3), Action, as follows:**
53

54 (3) Amendment If an applicant wishes to amend a submission after a Planning
55 Commission recommendation thereon, such request shall be made in writing and
56 presented to the Town Council during the public hearing. The Town Council shall
57 consider and make a determination as to whether the changes alter the nature of the
58 project from that described in the original submission to such an extent that:

59 a) The amendment should not be allowed;

60 b) The amendment should be allowed, but the Planning Commission should have
61 an opportunity to review the amendment and make a recommendation thereon; or

62 c) The amendment should be allowed, and the application should proceed without
63 additional hearings or consideration thereof. If the amendment is not allowed, the
64 Town Council shall continue to consider the application without the amendment in
65 accordance with the provisions of this Section. If an additional Planning Commission
66 recommendation is to be made, the Town Council may, at its discretion, table the
67 application until it has received the Planning Commission's recommendation on the
68 amendment.

69 Remand. An application may also be remanded to the Planning Commission when the
70 Town Council determines that the application as amended has otherwise been altered in
71 a significant manner following the Planning Commission's action on the preliminary PUD.
72 The Town Council shall table the application until it has received the Planning
73 Commission's recommendation on the changes.
74

75 **Current Section 16A-5-70(3), Action, through Section 16A-5-70(5), Inactive**
76 **applications, shall be renumbered accordingly.**
77

78 **8. That the wording "shall submit a complete package of the requested materials to**
79 **the Planning Director at least seven (7) days prior to the next scheduled meeting**
80 **of that board." in Section 16A-5-300(b)(3)b., Requests for additional information, is**
81 **hereby amended and restated as follows: "shall submit a complete package of the**
82 **requested materials to the Planning Director at least fourteen (14) days prior to the**
83 **next scheduled meeting of that board."**
84

85 **9. That Section 16A-5-300(c)(10), Adequate Public Facilities, is hereby added as**
86 **follows:**
87

-32-

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010 (Page 4 of 10)

88 (10) Adequate Public Facilities. A final plan shall not be approved unless the Town
89 Council determines that public facilities will be adequate to support and service the area
90 of the proposed development or that needed public facilities and services will be made
91 available concurrently to offset the potential impacts of such development. Public
92 facilities and services to be examined will include, but not be limited to: storm drainage;
93 roads and their maintenance; public transportation service and facilities; pedestrian
94 circulation; sewerage and sanitary facilities, water availability and serviceability; solid
95 waste disposal; fire and emergency medical services; and, electrical service. The
96 applicant shall show that:

97 a. Adequate facilities and carrying capacity exist at the time of development or will
98 be provided to the PUD and affected areas prior to completion of each building or
99 phase of the development necessitating the demand for said facilities or capacity;

100
101 b. The PUD has been located so as to be reasonably convenient in relation to
102 police and fire protection, emergency medical services and schools;

103
104 c. The PUD will accommodate the efficient provision of local and regional transit
105 facilities and services.
106

107 **10. That Section 16A-5-310(7), Adequate facilities, is hereby stricken and subsequent**
108 **review standards are renumbered accordingly.**

109
110 **11. That renumbered Section 16A-5-310(8), Phasing, is hereby amended to read as**
111 **follows:**

112
113 (8) Phasing. If the PUD is to be developed in phases, then each phase shall contain
114 the required streets, utilities, landscaping and other public facilities or improvements that
115 are necessary and desirable for residents of the project. If the PUD incorporates any
116 amenities for the benefit of the Town, such as trail connections, these shall be constructed
117 within the first phase of the project, or, if this is not possible, then as early in the project as
118 is reasonable.

119 The pace and phasing shall be evaluated with regard to construction impacts along with
120 possible interruption of construction as it would affect the community as a whole.
121

122 **12. That Section 16A-5-310(9), Construction Interruptions, is hereby added and shall**
123 **be inserted to follow renumbered Section 16A-5-310(8), Phasing, to read as**
124 **follows:**

125
126 (9) Construction Interruptions. The development application shall provide a
127 reasonable restoration and/or remediation contingency plan to mitigate impacts resulting
128 from any potential extended interruption of construction affecting the community as a
129 whole. Surety or security may be necessary to ensure implementation of the plan.
130

131 **13. That Section 16A-5-340(b)(10), Necessary facilities, is hereby is hereby amended**
132 **and restated as follows:**

133
134 (10) Necessary facilities. Has the applicant provided detailed engineering plans and
135 reports demonstrating the type, location and capacity of the water supply, sewage dis-

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010 (Page 5 of 10)

136 posal, solid waste disposal, fire protection and other necessary facilities that will be
137 constructed to serve the project? Will needed public facilities and services be made
138 available concurrently to offset the potential impacts of such development?

139
140 **14. That Section 16A-5-340(b)(11), Pace and phasing, is hereby added and shall be**
141 **inserted to follow Section 16A-5-70(b)(10), Necessary facilities, to read as follows:**
142

143 (11) Pace and Phasing. Has the applicant provided a sufficiently detailed phasing
144 proposal to ensure that the development phasing will occur in an efficient and orderly
145 manner with consideration given to construction and other impacts to the community?
146 Have all phases, including the initial phase, been designed to sustain itself and function
147 as a complete development not reliant on subsequent phases to operate in an efficient
148 and orderly manner? Has the applicant provided a reasonable contingency plan to mitigate
149 impacts resulting from any possible interruption of construction as it would affect the
150 community as a whole?

151
152 **Current Section 16A-5-340(b)(11), Restricted housing, through Section 16A-5-**
153 **340(b)(16), Community welfare, shall be renumbered accordingly.**
154

155 **15. That Section 16A-5-340(c)(2)e.3., Block model, is hereby amended and restated as**
156 **follows:**
157

158 3. Block model. A block model illustrating the cubic volume and design of the
159 above-ground portion of all proposed major structures included in the development.
160 The descriptive materials shall also be sufficient to demonstrate the relationship, in
161 terms of cubic volume, between such proposed structures in the development and
162 other major structures encompassing a significant portion of existing development
163 surrounding the development. The Planning Director may accept computer generated
164 three dimensional or other visual imagery in place of the block model if it is felt that it
165 would better aid the public and reviewing bodies to visually understand the spatial,
166 mass, scale and visual relationships of the development to surrounding properties. A
167 model may still be required during the course of the review process if determined nec-
168 essary to adequately evaluate the development proposal.

169 Before preparing the block model or visual imagery, the applicant shall confer with
170 the Planning Director to determine the contextual boundary needed and level of detail
171 required for properties surrounding the subject property in order to provide a
172 neighborhood context for the proposed development. The visual imagery and/or model
173 shall roughly depict the building colors and materials proposed for the development.

174 **16. That Section 16A-5-340(c)(2)e.4., Color and materials, is hereby added to**
175 **read as follows:**
176

177 4. Color and Materials. A color and materials sample board or sufficiently detailed
178 visual imagery to represent the materials and colors for the buildings and other
179 architectural features being proposed.

180 **17. That the wording "as provided to the applicant prior to the submission." " in**
181 **Section 16A-5-340(c)(2)g., Fiscal impact report, is hereby amended and restated as**

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010

(Page 6 of 10)

182 follows: "as provided to the applicant by the Planning Department prior to the
183 submission."
184

185 **18. That Section 16A-5-340(c)(2)m., Water supply and sewage disposal, is hereby**
186 **amended and restated as follows:**
187

188 m. Water supply and sewage disposal. Detailed plans and reports, prepared by a
189 registered professional engineer or water supply expert acceptable to the Snowmass
190 Water and Sanitation District, describing the location, type and timing of proposed water
191 supply and sewage disposal facilities and lines to be constructed. The report shall
192 describe water conservation methods to be employed and shall provide a detailed
193 estimate of the project's average daily and maximum water requirements and sewer
194 impacts. This report shall be based on criteria and assumptions established and provided
195 by the District prior to the submission of the report. The applicant shall then obtain from
196 the District a confirmation that, based upon the data submitted for this review, the
197 assumptions, conclusions and calculations remain valid. In the alternative, the District
198 shall identify those changes or revisions to the conceptual water and sewer reports
199 required as a result of the District's analysis of the preliminary submission.

200 **19. That Section 16A-5-340(c)(2)o.4., Anticipated ridership, is hereby amended with the**
201 **addition of: "The report shall also analyze the proposal's impact on the Town's**
202 **transportation system and provide a description of shuttle stop improvements that**
203 **may be necessary to safely and effectively provide service to the development."**
204

205 **20. That Section 16A-5-340(c)(2)t., Construction management plan, is hereby amended**
206 **and restated as follows:**
207

208 t. Construction management plan. A detailed construction management plan
209 describing development phasing, construction schedules and measures for mitigating
210 impacts associated with all aspects of the project. This would include a reasonable
211 contingency plan to mitigate visual, safety and public welfare impacts resulting from any
212 interruption of construction as it would affect the community. Surety or security may be
213 necessary to ensure implementation of the plan.
214

215 **21. That Section 16A-5-340(c)(2)u., Adequate Public Facilities Report, is hereby is**
216 **hereby added to read as follows:**
217

218 u. Adequate Public Facilities Report. A detailed public facilities report
219 demonstrating that public facilities will be adequate to support and service the area of
220 the proposed development or that needed public facilities and services will be made
221 available concurrently to offset the potential impacts of development as such impacts
222 commence. Public facilities and services to be examined will include, but not be limited
223 to: storm drainage; roads and their maintenance; public transportation service and
224 facilities; pedestrian circulation; sewerage and sanitary facilities, water availability and
225 serviceability; solid waste disposal; fire and emergency medical services; and, electrical
226 service. The report may summarize the applicable capacity and demand analysis
227 information and recommendations contained within other submission reports and shall:
228

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010 (Page 7 of 10)

229 a. Identify the public facilities, service levels and carrying capacity that exist prior
230 to the submission of the development application;
231

232 b. Specifically identify and describe the additional public facilities, service levels
233 and carrying capacity that will be necessary and provided to the PUD and affected
234 areas prior to completion of each phase and/or building within the development
235 necessitating the demand for said facilities, services or capacity;
236

237 c. Describe the intended provisions to be made for the timing, location and
238 financing of the public facilities, service levels and carrying capacity that will be
239 needed to adequately support and service the area of the proposed development
240

241 **22. That the wording "Within ten (10) days of the joint meeting, the Planning**
242 **Commission shall hold a public hearing pursuant to Section 16A-5-70(2)..." in**
243 **Section 16A-5-340(g), Planning Commission Public Hearing, is hereby amended**
244 **and restated as follows: "Within twenty-one (21) days of the joint meeting, the**
245 **Planning Commission shall hold a public hearing pursuant to Section 16A-5-**
246 **70(2)..."**
247

248 **23. That Section 16A-5-360(c)(2)f., Landscape guarantee, is hereby added to read as**
249 **follows:**
250

251 f. Landscape guarantee. The landscape guarantee shall be in the form of a written
252 agreement to ensure implementation of the landscape plan and maintenance of the
253 landscaping. Such agreement shall include a pledge of security for performance of
254 said agreement. The agreement shall obligate the applicant to purchase and install
255 the landscaping improvements and irrigation according to the specific planting
256 schedule, landscape and irrigation plan and to guarantee the continued maintenance
257 and replacement of the landscaping for a period of two (2) years after installation. The
258 amount and form of the security shall be as described in Section 16A-5-360(c)(2)(e),
259 Subparagraphs 3a) and 3b).
260

261 Such agreement shall provide that an appropriate amount shall be retained until the
262 fully completed improvements have been maintained in a satisfactory condition for two
263 (2) years.
264

265 **24. That Section 16A-5-360(c)(2)g., Development Agreement, is hereby added to read**
266 **as follows:**
267

268 g. Development Agreement. In connection with any discretionary development
269 approval, the Town Council may enter into a development agreement with the
270 applicant. Development agreements are voluntary contracts between the applicant and
271 the Town that may include provisions clarifying the phasing of construction; the timing,
272 location, and financing of public or private infrastructure; reimbursement for oversized
273 infrastructure; vesting of property rights; assurances that adequate public facilities
274 (including roads, water, sewer, fire protection, and emergency medical services) will be
275 available as they are needed to serve the development; and mitigation of impacts of
276 the development on the general public.
277

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010
(Page 8 of 10)

278 Development agreements may, without limitation, contain the following:
279

- 280 (1) Provisions for the reservation or dedication of land for public purposes;
281
282 (2) Provision for the timing, location, and financing of public facilities (including
283 roads, water, sewer, fire protection, and emergency medical services);
284
285 (3) Provision for the timing, location and maintenance of private on-site
286 improvements, including landscaping of common open space, trails and
287 amenities for residents, users, or the public;
288
289 (4) Provisions for the reimbursement of oversized infrastructure or other facilities;
290
291 (5) Proposed timing and phasing of public and/or private construction;
292
293 (6) Provisions to mitigate the impacts of the proposed development on the
294 general public or nearby properties, including off-site improvements and the
295 protection of environmentally sensitive lands;
296
297 (7) Provisions for public benefits or improvements in excess of what is required
298 by current Municipal Code;
299
300 (8) Terms for subsequent discretionary actions, provided such terms shall not
301 prevent the development of the property for the uses set forth in the
302 agreement;
303
304 (9) Provisions that construction shall begin by a specified date or that certain
305 phases shall be completed within a specified time;
306
307 (10) Provisions for the implementation of a reasonable contingency plan to
308 mitigate visual, safety and public welfare impacts resulting from any
309 possible extended interruption of construction as it would affect the
310 community as a whole;
311
312 (11) Provisions for the vesting of property rights pursuant to Section 16A-5-90 of
313 the Municipal Code;
314
315 (12) A termination date for the development agreement; and/or
316
317 (13) Any other provisions appropriate to guide the completion of the
318 development as approved.
319
320

321 **25. That Section 16A-5-360(c)(7), Recording of final plan, is hereby amended to read as**
322 **follows:**
323

324 (7) Recording of final plan. Within ninety (90) days of the date of approval of
325 the final PUD plan, the applicant shall submit three (3) copies of the final plan to the
326 Planning Director, together with any other documents that are to be recorded, at

37-

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010

(Page 9 of 10)

327 minimum including the site plan together with the PUD Guide or land use summary
328 chart or table. All documents shall be executed and suitable for recording.. The final
329 PUD plan, maps and plat shall also be submitted in a digital form acceptable to the
330 Planning Director, for incorporation in the Town's geographic information system
331 (GIS) and archival storage.

332
333 a. Planning Director review. The Planning Director shall review the documents
334 to ensure they comply with the terms and conditions of approval, shall obtain
335 Town signatures for all of the applicable certificates on the final plan and
336 documents

337 b. Recording of final documents. The Planning Director shall thereafter cause
338 the documents to be recorded in the records of the County Clerk and
339 Recorder, at the applicant's expense.

340 **26. That Section 16A-5-390(1), Amendment of final PUD is hereby amended to read as**
341 **follows:**

342
343 An applicant may amend an approved final PUD by complying with the following
344 procedures and standards.

345
346 (1) Overview of amendment procedures. There are three (3) types of
347 amendments, with corresponding procedures, that an applicant may propose to a
348 PUD. The Planning Director shall determine whether the amendment proposal should
349 be classified as an administrative, major or minor amendment, taking into
350 consideration the totality of the circumstances of the proposed amendment together
351 with the procedures and standards set forth in this Article. The determination of the
352 Planning Director may be immediately appealed by the Applicant to the Town Council
353 pursuant to the provisions of Section 16A-5-80, Appeals. The applicable procedures
354 for each type of amendment are as follows:

- 355
356 a. Administrative amendment. An administrative amendment to an approved
357 PUD may be considered pursuant to Section 16A-5-250, Administrative
358 Modifications.
- 359
360 b. Minor amendment. A minor amendment to an approved PUD shall comply
361 with the procedures of Subsection (2), Procedures for Minor Amendment of
362 Final PUD, and with the standards of Subsection (3), Review Standards.
- 363
364 c. Major amendment. A major amendment that would substantially modify all or
365 a part of an approved PUD, or any amendment to an approved PUD that
366 does not comply with the provisions of Subsection (3), Review Standards,
367 shall require a full PUD process. During the full PUD process, the Town shall
368 determine whether the application complies with the standards of Section
369 16A-5-300(c), General Restrictions, and Section 16A-5-310, Review
370 Standards, and shall also consider (but not be bound by) whether the
371 application complies with the standards of Subsection (3), Review Standards.

372
373 **27. That Section 16A-5-390(2)f., Recording of amended plan, is hereby amended to**
374 **read as follows:**

-38-

Exhibit "A"

Town Council Ordinance No. 16, Series of 2010
(Page 10 of 10)

375
376 f. Recording of amended plan. Within ninety (90) days of the date of approval of
377 the amendment, the applicant shall submit three (3) copies, suitable for recording, of
378 the amended plan to the Planning Director, together with any other documents that
379 are to be recorded at minimum including the site plan together with the revised PUD
380 Guide or land use summary chart or table. All documents shall be executed and
381 suitable for recording. The Planning Director shall review the documents to ensure
382 that they comply with the terms and conditions of approval, shall obtain Town
383 signatures for all of the applicable documents and shall record the documents in the
384 records of the County Clerk and Recorder, at the applicant's expense. The final
385 amended plan maps and documents shall also be submitted in a digital form
386 acceptable to the Planning Director, for incorporation in the Town's geographic
387 information system (GIS) and archival storage.

388 **28. That Section 16A-5-440(5), Adequate facilities, is hereby amended to read as**
389 **follows:**

390
391 (5) Adequate Public Facilities. The proposed subdivision shall not be approved
392 unless the Town Council determines that public facilities will be adequate to support
393 and service the area of the proposed development or that needed public facilities
394 and services will be made available concurrently to offset the potential impacts of
395 such development. Public facilities and services to be examined will include, but not
396 be limited to: storm drainage; roads and their maintenance; public transportation
397 service and facilities; pedestrian circulation; sewerage and water service; solid
398 waste disposal; fire and emergency medical services; and, electrical service. The
399 applicant shall show that:

400 a. Adequate facilities and carrying capacity exist at the time of development or will
401 be provided to the subdivision and affected areas prior to the issuance of a building
402 permit for any lot or phase of the development necessitating the demand for said
403 facilities or capacity;

404
405 b. The subdivision has been located so as to be reasonably convenient in relation
406 to police and fire protection, emergency medical services and schools;

407
408 c. The subdivision will accommodate the efficient provision of local and regional
409 transit facilities and services.
410
411
412
413

MEMORANDUM

TO: Snowmass Village Town Council

FROM: Mike Kaplan, David Perry, John Rigney, Auden Schendler, Steve Sewell all of the Aspen Skiing Company

DATE: October 18, 2010

SUBJECT: ASPEN SKIING COMPANY BI-ANNUAL REPORT

The proposed agenda for this discussion includes the following:

Mike Kaplan, President / CEO

- Opening Remarks

David Perry, Sr. Vice President, Mountain Division

- Business Update
- Occupancy Forecast
- Guest Feedback
- Marketing/Air Service

John Rigney, Vice President, Sales & Events

- Event Strategy Overview

Auden Schendler, Vice President Sustainability

- Sustainability

Steve Sewell, Snowmass Mountain General Manager

- Mountain Update

HO-

TO: SNOWMASS VILLAGE TOWN COUNCIL

FROM: RUSS FORREST, TOWN MANAGER

SUBJECT: MANAGER'S REPORT

DATE: OCTOBER 18, 2010

**Pending Strategic Actions
Last Updated – October 11, 2010**

Staff Contact	Action	Status	Date to follow-up w/ Council
Land Use			
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>Council received a presentation on creating a URA on Oct. 4th and asked to take the next step with the creation of the Authority. This tool could help address this issue.</p>
Planning Department	Other Land Use Code Issues	<p>The Comprehensive Plan has been approved. The Town Council has provided direction on the priorities</p>	<p>First phase of Land Use Amendments were presented to PC on August 18th and then Sept 1st. Council approved on first reading the first phase of land use amendments.</p>
Housing			
Housing Department	Draw Site/Land Inventory	<p>On Nov. 2, 2009 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 as part of the 2011 budget.</p>	<p>This project is in the Capital Projects Budget.</p>

HI-

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 PC 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 which would be: 1) policy discussion to modify the current land use code related to affordable housing; and 2) a review of deed restriction policy.	Housing Code Amendments being prepared and will be reviewed by PC in October.
Housing Department	For-Sale Deed Restriction Enforcement	Review current policy on doing biannual reviews of deed restricted homeowners qualifications.	December 6, 2010
Finance			
Marianne	GID Mil Levy	Discuss option to increase the GID mil levy for Base Village with the GID Advisory Committee and return back with options. An update occurred on April 19, 2010.	GID budget options will be considered as part of the budget process for 2010 that should occur in the September/October time frame.
Marianne	Budget Update	The last budget update occurred on October 7, 2010. The next update is anticipated on December 6 th .	December 6, 2010
Other			
Mark Kittle	REOP	REOP – Update Ordinance to deal with double exemption input from 9/22 discussion.	October 18, 2010
Russ Forrest	URA- Phase 1	Council authorized on October 4 th moving forward with the next steps to create an Urban Renewal Authority.	December 2010.

42-

2ND Draft
SNOWMASS VILLAGE TOWN COUNCIL
REGULAR MEETING AGENDA
NOVEMBER 1, 2010

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

CALL TO ORDER AT 4:00 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: SECOND READING – ORDINANCE NO. 17, SERIES OF 2010 – AMENDING THE 2010 BUDGET
AN ORDINANCE AMENDING THE 2010 BUDGET FOR ALL FUNDS FOR THE TOWN OF SNOWMASS VILLAGE
(Time: 10 minutes)
ACTION REQUESTED OF COUNCIL: Approve, modify or deny Second Reading of Ordinance No. 17, Series of 2010.
–Marianne Rakowski.....Page (TAB)

Item No. 5: SECOND READING– ORDINANCE NO. 15, SERIES OF 2010 – CONSIDERATION OF A REVISION OF THE RENEWABLE ENERGY OFFSET PROGRAM (REOP) FEES
(Time: 30 Minutes)
ACTION REQUESTED OF COUNCIL: Determine if there should be any changes to the current fee structure.
–Mark KittlePage

Item No. 6 MANAGER'S REPORT
(Time: 10 minutes)
--Russell Forrest.....Page (TAB)

Item No. 7: AGENDA FOR NEXT TOWN COUNCIL MEETING
.....Page (TAB)

Item No. 8: APPROVAL OF MEETING MINUTES FOR:
.....Page (TAB)

Item No. 9: COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS
.....Page (TAB)

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Item No. 10: ADJOURNMENT

NOTE: Total time estimated for meeting: Approx 1 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.)

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1
2 SNOWMASS VILLAGE TOWN COUNCIL
3 REGULAR MEETING MINUTES
4 SEPTEMBER 20, 2010

5
6 CALL TO ORDER AT 5:00 P.M.
7

8 Mayor Bill Boineau called to order the Regular Meeting of the Snowmass Village Town
9 Council on Monday, September 20, 2010 at 5:02 p.m.

10
11 Item No. 1 ROLL CALL
12

COUNCIL MEMBERS PRESENT: Mayor Bill Boineau, John Wilkinson, and Reed
Lewis.

Arnie Mordkin arrived at 6:00 p.m.

13 COUNCIL MEMBERS ABSENT: Markey Butler was absent.
14

15 STAFF PRESENT: Russ Forrest, Town Manager; John Dresser, Town
16 Attorney; Hunt Walker, Public Works Director; Chris
17 Conrad, Planning Director; Jim Wahlstrom, Senior
18 Planner; Lesley Compagnone, Public Relations
19 Director; Rhonda B. Coxon, Town Clerk

20 PUBLIC PRESENT: Madeleine Osberger, Mary Harris, George Huggins,
21 Paul Spencer, Dave Spence, Fred Kucker, Janice K.
22 Vos Caudhill, Gary Kelly and other members of the
23 public interested in items on today's agenda.
24

25 Item No. 2 PUBLIC NON-AGENDA ITEMS
26

27 Janice K. Vos Caudhill the Pitkin County Clerk and Recorder spoke to the upcoming
28 Coordinated Election on November 2, 2010 and reminded Council and the public about
29 specific deadlines and important dates. She encouraged the public to go to
30 pitkinvotes.org to answer any questions or call the Pitkin County or TOSV Town of
31 Clerks Offices.
32

33 Mayor Boineau noted prior to this meeting there was an art dedication for the Michael
34 Clapper's art piece at Town Hall called "Transparency."
35

36 Item No. 3 COUNCIL UPDATES
37

38 There were no Council updates at this time.

-45-

39 Item No. 4 RESOLUTION NO. 38, SERIES OF 2010 - IN OPPOSITION OF
40 STATEWIDE BALLOT ISSUE

41
42 Town Attorney John Dresser presented some clarified language to the third "Whereas",
43 and asked that Council consider approval of the amended language. He reminded
44 Council that we approved a resolution last meeting opposing Statewide Ballot Issue
45 Amendment 60 and the next Council meeting will be a resolution for Proposition 101.
46

47 John Wilkinson made the motion to approve Resolution No. 38 2010 opposing State
48 Wide Ballot Issue Amendment 61. Reed Lewis seconded the motion. The motion was
49 approved by a vote of 3 in favor to 0 opposed. Council Members Butler and Mordkin
50 were absent.

51
52 Voting Aye: John Wilkinson, Reed Lewis, and Mayor Bill Boineau.

53
54 Voting Nay: None.

55 Item No. 5 RESOLUTION NO. 37, SERIES OF 2010 - APPRECIATION FOR JAN
56 GREENDA

57
58 Mayor Boineau presented this Resolution of appreciation to Jan Grenda for her years of
59 service with the Snowmass Arts Advisory Board. Mr. and Mrs. Grenda will be moving to
60 Boulder, Colorado.

61
62 Mayor Bill Boineau made the motion to approve Resolution No. 37, Series of 2010
63 Resolution of appreciation. John Wilkinson seconded the motion. The motion was
64 approved by a vote of 3 in favor to 0 opposed. Council Member Butler and Council
65 Member Mordkin were absent.

66
67 Voting Aye: John Wilkinson, Reed Lewis, and Mayor Bill Boineau.

68
69 Voting Nay: None.

70 Item No 6 FIRST READING AND DISCUSSION ON ORDINANCE NO. 15, SERIES OF
71 2010 - AMENDING THE REOP FEES

72
73 Building Official Mark Kittle stated that on August 2, 2010 staff proposed an ordinance
74 to amend the REOP program. After discussion, Council had directed staff to meet with
75 the lodging community, CORE and the EAC again for additional collaboration. The
76 ordinance today is the result of these meetings.

77
78 Mayor Boineau took Public Comment at this time. Dave Spence from Top of the Village
79 stated that the 50 square feet per unit exemption does not help the lodges. He noted

-46-

80 that residential is allowed 200 square feet per unit, so close to that amount would be
81 more beneficial to the lodging community.

82

83 After a lengthy discussion, the first reading of the Ordinance was continued indefinitely
84 for additional discussions among these entities.

85

86 Item No. 7 CLEAN ENERGY COLLECTIVE PROPOSAL FOR SOLAR PANELS
87 ABOVE MOUNTAIN VIEW/RECOMMENDATION FROM FINANCIAL ADVISORY
88 BOARD

89

90 At 6:00 p.m. Council Member Mordkin arrived.

91

92 Public Relations Director Lesley Compagnone noted last year Council approved the
93 Town's Environmental Sustainability Plan. The first goal in that plan was:

94

95 **a.) Energy Conservation and Climate Protection**

96

a) Significantly reduce consumption of non-renewable energy and fuels

97

b) Increase use of locally generated, non-polluting, renewable energy

98

c) Significantly reduce greenhouse gas emissions

99

100 With that goal in mind, Town staff and the Environmental Advisory Committee (EAC) set
101 out to find actions/solutions around this goal. The EAC has been working with Clean
102 Energy Collective and Paul Spencer for many months on the possibility of a Solar
103 Array/Farm here in TOSV. The upfront, cash cost to the Town is zero. What the Town
104 will have to pay up front is in land, and that is where the logistics, negotiations, and
105 specifics will need to be addressed.

106 Town Council is requested to review the solar farm concept, with a recommendation
107 from the FAB and make a decision as to whether TOSV will go forward with the project
108 as is, or deny the request. Council is being asked, in its role as a property owner,
109 whether the concept of a solar farm located adjacent to, and north of, the Mountain
110 View Housing Project should be considered further and be allowed to go through the
111 development review process.

112 Chairman of the Financial Advisory Board Fred Kucker noted that the FAB strongly
113 urges the Town not to lease land to Clean Energy Collective. The economic return to
114 the Town is minimal at best and the land is tied up for 50 years. At some point in the
115 future, the land may become appropriate for employee housing. That option should not
116 be lost for virtually no economic return. Finally the FAB is concerned that placing a solar
117 array of that size in such a prominent place would make the Town look more like an
118 industrial park than a ski resort.

119

120 George Huggins member of the Environmental Advisory Board spoke to renewable
121 energy and it being more widely acceptable and the look is not industrial but innovative
122 and we are a renewable energy conscious community.
123

124 Dave Heivly, resident of Snowmass Village and President of the Mountain View
125 Homeowners Association, asked that Council keep them in the conversations that occur
126 and he also supplied Council with survey results from the Mountain View HOA. The
127 HOA and Board have many questions and would like to be kept in the loop.
128

129 After a lengthy discussion, Council denied the request for the suggested Mountain View
130 site, but asked that other sites within TOSV, and regionally, be considered.
131

132 Item No. 8 LOT 44, WOOD RUN UNIT ONE RETT EXEMPTION APPLICATION
133 APPEAL OF DENIAL OF EXEMPTION
134

135 Town Manager Russ Forrest and Town Attorney John Dresser noted for the record that
136 East Aspen Three LLC ("EA3") is appealing the Town Manager's denial of their
137 requested exemption from the Real Estate Transfer Tax ("RETT") relating to EA3's
138 purchase of Lot 44, Wood Run Unit One Subdivision (the "Lot"). Town Council, acting
139 its quasi-judicial capacity, is requested to hear the appeal and make a determination on
140 the appeal of the denial of exemption. EA3 purchased the Lot from First Community
141 Bank after the Bank has foreclosed the Bank's loan. At the foreclosure sale conducted
142 by the Public Trustee for Pitkin County, the Bank was the higher bidder and received a
143 Certificate of Purchase from the Trustee. The Bank subsequently sold the Lot to EA3
144 and assigned the Certificate of Purchase to EA3 which entitled EA3 to receive a
145 Confirmation Deed from the Trustee. EA3 contends that the transfer is exempt from
146 RETT pursuant to Snowmass Village Municipal Code ("SMVC") section 4-95 (14) as
147 amended by Ordinance No. 14, Series 2010.
148

149 Gary Kelly was present representing the applicant, James Hunter East the owner of the
150 property in questions. He read a letter from the owner and asked that the Council
151 appeal the decision of the Town Manager that this transaction is subject to transfer tax.
152

153 After discussion by Council consensus was to deny the appeal of the applicant.
154

155 John Wilkinson made the motion to deny the request of the applicant to appeal the
156 decision of the Town Manager. Arnold Mordkin seconded the motion. The motion was
157 approved by a vote of 4 in favor to 0 opposed. Council Member Butler was absent.
158

159 Voting Aye: Arnold Mordkin, John Wilkinson, Reed Lewis, and Mayor Bill Boineau.
160

161 Voting Nay: None.

162 Item No. 9 MANAGER'S REPORT

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163 **EOTC**

164 Town Manager stated that the EOTC meeting will be on October 21, 2010 at 4:00 p.m.
165 and Snowmass Village will be hosing in the Town Council Chambers.

167 **Building 8**

168 Facade improvements are continuing on Building 8 in Base Village.

170 **Ice Rink**

171 Snowmass Western Heritage has expressed interest in obtaining a lease with the Town
172 to facilitate the Ice Rink again this year; more to come on this issue. Council Member
173 Wilkinson is still interested in having someone to provide skates for guest coming to the
174 Village. This was not a Council consensus.

176 Item No. 10 APPROVAL OF MEETING MINUTES FOR

* August 16, 2010

* August 23, 2010

177
178
179 Reed Lewis made the motion to approve the minutes for the Regular Meeting of the
180 Snowmass Village Town Council on Monday, August 16, 2010. Mayor Bill Boineau
181 seconded the motion. The motion was approved by a vote of 3 in favor to 0 opposed.
182 Council Member Butler was absent.

183
184 Voting Aye: Mayor Bill Boineau, Reed Lewis, and Arnold Mordkin.

185
186 Voting Nay: None.

187 Reed Lewis made the motion to approve the minutes for the Continued Meeting of
188 August 16, 2010 to August 23, 2010 of the Snowmass Village Town Council. Arnold
189 Mordkin seconded the motion. The motion was approved by a vote of 4 in favor to 0
190 opposed. Council Member Butler was absent.

191
192 Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, and Arnold Mordkin.

193
194 Voting Nay: None.

195 Item No. 11 AGENDA FOR NEXT TOWN COUNCIL MEETING

196
197 Council and staff discussed the agenda for the October 4, 2010 meeting. Council
198 directed staff to provide resolutions supporting the Town of Snowmass Village ballot
199 issues on future agendas.

200
201 Item No. 12 COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS

-49-

202 **Budget Meeting**

203 Town Manager Russ Forrest reminded Council of the Special Budget Meeting on
204 October 7, 2010 beginning at 8:30 a.m. in the Town Council Chambers.

205
206 **Employee Housing**

207 Council Member Wilkinson would like to see something more than an affidavit, as back
208 up, not just a yes or no question, to be sure our employee housing is be used by
209 Snowmass Village employees. This will be a future discussion for Council.

210
211 **Nordic Slider**

212 Council Member Wilkinson stated that the Snowmass Club would like to remove this
213 due to maintenance issues. The Public Works Director will work with Snowmass Club
214 on maintenance to get this working.

215
216 **Trails**

217 Council Member Wilkinson would like to see a policy or procedure for people wanting to
218 build new trails on property. The consensus was property owners are responsible for
219 their own property and no one can build on Town-owned land without permission from
220 the Town. No further discussion needed at this time.

221
222 **At 7:15 p.m.**

223
224 This item was not currently scheduled on today's agenda.

225
226 **EXECUTIVE SESSION**

227
228 Mayor Boineau state that the Town Council will now meet in Executive Session
229 pursuant to C.R.S. 24-6-402 (4) and Snowmass Village Municipal Code Section 2-45 (c)
230 to specifically discuss two items:

231
232 a) Determining positions relative to matters that may be subject to
233 negotiations, developing strategy for negotiations, instructing negotiators
234 pursuant to C.R.S. 24-6-402(4) (e) and Snowmass Village Municipal Code
235 Section 2-45 (c) (5); and

236
237 b) Conferences with an attorney for the purposes of receiving legal
238 advice on specific legal questions pursuant to C.R.S. 24-6-402 (4) (c) and
239 Snowmass Village Municipal Code Section 2-45 (c) (2)

240
241 Provided, there is an affirmative vote of two-thirds of the quorum present
242 at this meeting to hold an Executive Session and for the sole purpose of
243 considering items (a) and (b) above. Provided further, that no adoption of
244 any proposed policy, position, resolution, regulation, or formal action shall
245 occur at this Executive Session.

246 Mayor Bill Boineau made the motion to enter closed session Arnold Mordkin seconded
247 the motion. The motion was approved by a vote of 4 in favor to 0 opposed. Council
248 Member Butler was absent.

249
250 Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, and Arnold Mordkin.

251
252 Voting Nay: None.

253 **At 7:35 p.m.**

254
255 Arnold Mordkin made the motion to approve reconvening to the Regular Meeting of the
256 Snowmass Village Town Council on Monday, September 20, 2010. Reed Lewis
257 seconded the motion. The motion was approved by a vote of 4 in favor to 0 opposed.
258 Council Member Butler was absent.

259
260 Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, and Arnold Mordkin.

261
262 Voting Nay: None.

263 Item No. 13 ADJOURNMENT

264
265 **At 7:36 p.m.**

266
267 Reed Lewis made the motion to adjourn the Regular Meeting of the Snowmass Village
268 Town Council on Monday, September 20, 2010. Arnold Mordkin seconded the motion.
269 The motion was approved by a vote of 4 in favor to 0 opposed.

270
271 Voting Aye: Mayor Bill Boineau, John Wilkinson, Reed Lewis, and Arnold Mordkin.

272
273 Voting Nay: None.

274

275 Submitted By,

276

277

278 _____
Rhonda B. Coxon, Town Clerk

279

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October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 Town Council Meeting 5:00 p.m. 	5	6	7	8	9
10	11	12	13	14	15	16
17	18 Town Council Meeting 5:00 p.m. 	19	20	21	22	23
24	25	26	27	28	29	30
31 						

2010

November

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	1 Town Council Meeting 4:00 p.m. 	2 Election Day 	3	4 EOTC MTG 4:00 P.M. Snowmass Village Council Chambers	5	6
7	8	9	10	11	12	13
14	15 Town Council Meeting 5:00 p.m. 	16	17	18	19	20
21	22	23	24	25 Thanksgiving Day! 	26	27
28	29	30				

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2010