

SNOWMASS VILLAGE
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 22, 2011

CALL TO ORDER AT 4:00 P.M.

Mayor Boineau called to order the Regular Meeting of the Snowmass Village Town Council on Tuesday, February 22, 2011 at 4:03 p.m.

Item No. 1 ROLL CALL

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

COUNCIL MEMBERS ABSENT: All council members were present.

STAFF PRESENT: Russ Forrest, Town Manager; John Dresser, Town Attorney; Hunt Walker, Public Works Director; Chris Conrad, Planning Director; Jim Wahlstrom, Senior Planner; Susan Hamley, Marketing Director; Rhonda B. Coxon, Town Clerk

PUBLIC PRESENT: Madeleine Osberger, Mary Harris, Dave Spence, Jamie Downs, Jim Byrnes, Wayne Ethridge, Mel Blumenthal, Jeff Dickinson and members of the public interested in items on today's agenda.

Item No. 2 PUBLIC NON-AGENDA ITEMS

There were no Public Non-Agenda items for discussion.

Item No. 3 COUNCIL UPDATES

Council Member Wilkinson stated there will be a meeting between the Pitkin Open Space Board and the Snowmass Village Trails Board to discuss the Droste Property in Council Chambers on Thursday, March 3rd, 2011 at 4:00 p.m. to discuss trails.

Ski Championship

Council Member Wilkinson noted that for the first time ever the State Ski Championship will be held in Aspen on February 24 and 25th, 2011. There are participants competing from the Aspen School District, we wish them luck.

Denver

Mayor Boineau stated he will be traveling to Denver on Thursday, February 23, 2011 to the State Capitol to accept a resolution of recognition from Gail Schwartz of the Ice Age Discovery.

Rotary Event

Council Member Butler thanked all those who came out this past weekend in support of the Texas Hold 'Em and the Rotary Poker Run.

Item No. 4 DISCUSSION OF THE RENEWABLE ENERGY OFFSET PROGRAM - (REOP) FEES

Town Manager Russ Forrest stated the purpose of today's discussion was for staff to provide an executive summary on the REOP program. Chief Building Official Mark Kittle reviewed the memo with Council starting with the original purpose and history of REOP. In 2008 an ordinance was passed by the Council which created the Renewable Energy Offset Program or REOP. REOP had two purposes:

- to require increased energy efficiency and use of renewable energy in new construction and additions and
- to create provisions to restrict exterior energy uses and encourage renewable offsets to those uses.

The complete history of REOP deliberations are included in Attachment D. The original intent behind this policy was to develop a policy similar to REMP in Aspen and Basalt which is managed by CORE. Mark Kittle reviewed the new standards for Energy Efficiency with new construction (which is the HERS system), the exterior Energy Use and the recent discussions regarding REOP modifications. He was asked to provide examples of how REOP might work for both a Residential and Commercial properties which is also provides in today's packet.

Jeff Dickinson from Biospace, Inc. was available to answer questions and provided a letter to Council explaining the rational of the REOP program. He stated he was contacted by Jason Haber who was the Economic Resource Director in 2008 to work with him to develop this program. He reviewed his memo with the Council.

Kittle reviewed the proposed changes to the original ordinance after the meetings with EAC and the lodging community, and he also reviewed some of the changes made due to energy efficiency standards since the first ordinance was approved.

Mayor Boineau took comments from the Public at this time.

Mary Harris a resident of Snowmass Village and General Manager of the Timberline spoke to the new spa and pool that opened last September at the Timberline. She provided the background of the old pool and the expectations from guests now, and the difference in the market today versus in the 80's. Harris spoke to the advantages of the

new pool, savings in utilities, beautiful view and increased bookings. She stated the changes in the REOP ordinance is not in best interest of the community. The fees are too steep and her request is that the commercial properties are exempt from the REOP. If ordinance stays in place she would support Mark Kittles changes. She thanked Kittle for all his work on REOP and with their project at the Timberline.

Dave Spence a resident of Snowmass Village and General Manager of the Top of the Village and representative for the Tamarack, said the change with accessibility route in the ordinance would benefit the Tamaracks in the side walk areas, but there is still some concern about the cost for snowmelt at the Top of the Village due to the asphalt and the carports at this location. One of many properties that have been around for 30 years and would like to add some snowmelt for safety issues for the guest.

Jim Byrnes a Snowmass builder stated he has a client that would like to snowmelt his driveway which is at 14% grade, and said this particular owner would need to pay \$25,000 for a portion and \$50,000 for the entire thing with exemptions.

Jamie Downs the manager of the Interlude Condo's in Snowmass Village stated that the Town owns the courtyard in front of the Interlude and the REOP costs would be \$189,000 and \$75,000 to snowmelt. She noted the Association is not willing to pay these costs and the courtyard is an ice skating rink all winter.

Scott Patterson the General Manager for the Stonebridge Condos spoke to his remodel at the Stonebridge Condos and noted for the record he would like to see the snowmelt fees go away. He also thanked Mark Kittle for working with the lodges.

Skip Sinclair resident manager of the Interlude spoke to the energy discussion of the boilers he noted the boilers for snowmelt systems are not running all the time only when it snows, so this is efficient and needed for the safety aspect.

Council input was varied. There was no consensus on the exterior commercial proposed by Mark Kittle although there was consensus on the residential interior and exterior. They decided there needs to be a definition of "developable area" in the Ordinance for the 10 percent cap. Council asked that staff continue working on the language and bring back in the near future. Council would also like to see some established protocol for how the money in the REOP fund will be used.

Item No. 5 DISCUSSION - BIENNIAL DEED RESTRICTED HOUSING QUALIFICATIONS AND ENFORCEMENT

Housing Director Joe Coffey and Assistant Housing Director Terri Everest noted that Council requested a discussion with staff to determine if the deed restricted employee housing homeowner's guidelines in place are sufficient.

After a thorough review of the Housing Guidelines with the first Housing Advisory

Committee and the Town Council in 2002, a biennial affidavit process was started in July, 2003. The affidavit process is used to check and determine if a deed restricted homeowner is meeting the housing qualifications for ownership. Attached is the Snowmass Village Affidavit and the Aspen/Pitkin County Housing Authority (APCHA) Requalification Affidavit. These affidavits have similar questions and both APCHA and Snowmass Village mail these affidavits to the respective deed restricted homeowners every two years.

The biennial affidavit provides verification on the four major requirements of deed restricted property ownership;

1. Verifies the occupancy of the deed restricted property for eight months a year or more.
2. Establishes proof of Colorado residency with questions regarding being a current registered voter in Snowmass Village or possession of a Colorado driver's license and filing a Colorado tax return for the two years prior to the affidavit.
3. Disallows ownership of another residential dwelling unit in the Roaring Fork Drainage including the city of Rife and the No Name Area.
4. Establishes employment/retirement eligibility with employees being required to work a minimum of 1400 hours per year during 8 months or more per calendar year for the last two years or, if the owner has become eligible for social security benefits after being the owner of a housing unit for not less than five years.

Shortly after the Town began the biennial affidavit process it was discovered that the affidavit process has effectually brought some complaints to the Housing Department's attention about homeowners that may not be meeting the qualifications. This affidavit process continues to act in a self policing manner and homeowners continue to identify other homeowners sometimes neighbors that may not be meeting the ownership qualifications with each affidavit process. The Housing Department will investigate all written complaints and obvious violations of the deed restricted guideline

After discussion Council consensus was that the affidavit is sufficient and there is no need for change at this time. The guidelines will be discussed at the Monday, March 7, 2011 Regular Council meeting.

Item No .6 SUMMARY OF COUNCIL RETREAT

Town Manager Russ Forrest stated that in today's packet is the 2011 work plan for Council's review and consideration. The purpose of the this work plan is to articulate the Town Council's vision for the future and what it would like to accomplish in the next

1 to 2 years and to move the Town towards that vision. This work plan is based on the Council retreat on January 10, 2011.

Town Council thanked the Town Manager for the work plan and they had no further comments for discussion. Forrest asked when they would like to REOP on the agenda; consensus was within the next month.

Item No. 7 MANAGER'S REPORT

CAST

Town Manager Russ Forrest stated there will be a meeting of the Colorado Association of Ski Towns on Thursday, March 17th in Denver.

EOTC

Russ Forrest asked Council if they had anything for this agenda, consensus was the JAS and possibly the free bus service depending on the expiration date.

Foreclosure of Base Village

The Town Manager provided an update of the Base Village foreclosure and the trial that he testified at.

Item No. 8 AGENDA FOR NEXT TOWN COUNCIL MEETING

Council reviewed the agenda for March 7, 2011 and the Town Clerk noted there would be an additional Item which would be a Mayor's Proclamation for the Girl Scouts. Council Member Haber inquired about the FAB sales tax report, Forrest noted that will be on the March 21, 2011 agenda.

Item No. 9 APPROVAL OF MEETING MINUTES FOR:

- * January 3, 2011 - Regular Meeting
- * January 18, 2011 - Regular Meeting

Council Member Wilkinson submitted corrections to the Town Clerk Coxon.

John Wilkinson made the motion to approve the minutes as amended for the Snowmass Village Town Council regular meeting for January 3, 2011. Fred Kucker seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

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

Voting Nay: None.

John Wilkinson made the motion to approve the minutes as amended for the Snowmass Village Town Council regular minutes for January 18, 2011. Markey Butler

seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

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

Voting Nay: None.

Item No. 10 COUNCIL COMMENTS/COMMITTEE REPORTS/CALENDARS

Ruedi Water and Power Authority

Council Member Haber noted there will a meeting with the Ruedi Water and Power Authority on March 10, 2011 if you have any comments or concerns please contact him at jhaber@tosv.com.

RFTA

Town Council Member Wilkinson stated we are waiting for a decision from the House of Representatives for the BRT funding. He also stated that RFTA will go forward with the project with or without funding from the state.

CORE

Council Member Kucker stated he will be attending CORE meeting in the near future, the date has not been set as of yet.

Pitkin County Library

Council Member Wilkinson spoke to the Library expansion and noted this will be the final build-out of this building.

Item No. 11 ADJOURNMENT

AT 7:20 p.m.

Fred Kucker made the motion to adjourn the Regular Meeting of the Snowmass Village Town Council on Tuesday, February 22, 2011. Mayor Bill Boineau seconded the motion. The motion was approved by a vote of 5 in favor to 0 opposed.

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

Voting Nay: None.

This set of minutes was approved by the Snowmass Village Town Council at their Regular Meeting on Monday, March 21, 2011.

Submitted By,

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

Rhonda B. Coxon, CMC
Town Clerk