

**BASALT TOWN COUNCIL
REGULAR MEETING
NOVEMBER 23, 2004**

MINUTES

Call to Order: The regular meeting of the Basalt Town Council was called to order at 6:02 p.m. on Tuesday, November 23, 2004 by Mayor Leroy Duroux.

Roll Call: Present were Mayor Leroy Duroux, Councilors Tracy Bennett, Mark Kittle, Glenn Rappaport and Tiffany Ernemann. Councilors Laurie Dows and Anne Freedman were absent. Also present were Town Manager Bill Efting, Deputy Town Manager Betsy Suerth, Planning Director Susan Philp, Community Development Coordinator Glenn Hartmann, Director of Community Relations Kay Philip, Police Chief Keith Ikeda and Town Clerk Pamela Schilling. No citizens signed in at this meeting.

Consent Agenda

1. Accounts Payable for November 23, 2004
2. Minutes of November 11/10/04
3. Next Agendas

M/S COUNCILORS KITTLE AND ERNEMANN TO APPROVE THE ACCOUNTS PAYABLE FOR NOVEMBER 23, 2004 AS PRESENTED. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 5-0.

M/S COUNCILORS ERNEMANN AND BENNETT TO APPROVE CONSENT AGENDA ITEMS 2 AND 3 AS PRESENTED. THE MOTION CARRIED 5-0.

Community Service Acknowledgements

This month, the Basalt Town Council acknowledged Roaring Fork Physical Therapy (RFPT), a locally owned outpatient physical therapy business located in the Midvalley Medical Center. Libby Pettit, one of the principals, is a Basalt native who has built the excellent reputation enjoyed by RFPT for over 14 years. Other principals of the business include Brenda Crowley, Stan Cheo and Karen Stevenson.

Citizen Comments for Items Not On the Agenda

Diane Schwaner, a member of the Roaring Fork Conservancy's Board of Directors, was present to update Council on the River Center design project.

Diane outlined the Conservancy's mission of education, water and in-stream flow monitoring, research and stewardship of the river and river corridors, etc. The River Center will help fulfill the mission of the Conservancy and provide a great asset to Basalt and surrounding communities.

A site plan, project outline and budget were presented for council to review at their leisure.

Councilor Comments

Glenn Rappaport thought the art project being made from dying cottonwood on the corner of Midland Avenue and Two Rivers Road was looking great.

A brief recess was called at 6:13 p.m. Council reconvened their meeting at 6:30 p.m.

M/S COUNCILORS ERNEMANN AND BENNETT TO CONVENE COUNCIL AS THE LOCAL LIQUOR LICENSE AUTHORITY. THE MOTION CARRIED 5-0.

5. Tavern Liquor License Renewal: Bistro Basalt, 202 Midland Ave.

Deputy Clerk Tanje Bellhouse and Joe Ciri were present to meet with Council for the requested renewal.

M/S COUNCILORS KITTLE AND RAPPAPORT TO APPROVE THE RENEWAL OF THE TAVERN LIQUOR LICENSE FOR THE BASALT BISTRO.

Mayor Duroux asked about the warning given to the Bistro and what it was about. Chief Ikeda explained that one of the underage employees had been served alcohol at the Bistro on at least one occasion and then got into an altercation in Carbondale. The Basalt police investigated and felt the Bistro was very cooperative.

Joe noted that Kelly Zeri, listed on the certified servers list, did not work for him and never had.

THE MOTION CARRIED 5-0.

6. Public Hearing for Special Event Liquor License: Foundation for Urban & Neighborhood Development at the Basalt Art Gallery

Jody Ensign was present with Deputy Clerk Bellhouse to address this request with Council.

This application covers 2 events: December 10, 2004 and March 4, 2005. The police department has asked that certain rules be followed including the applicant card anyone under 30, not serve anyone under age, that no alcohol to leave the premises and that they not over-serve any participant.

M/S COUNCILORS ERNEMANN AND KITTLE TO APPROVE THE DECEMBER 10, 2004 AND MARCH 4, 2005 DATES FOR THE BASALT GALLERY SPECIAL EVENTS AS SPONSORED BY THE FOUNDATION FOR URBAN AND NEIGHBORHOOD DEVELOPMENT.

Jody Ensign expressed her dismay at having to go through a non profit organization in order to hold a special event. She felt the special events permit should be open to any business. Tanje noted this process was required by the State and it would be at that level that the process for special events would have to be amended.

THE MOTION CARRIED 5-0.

M/S COUNCILORS ERNEMANN AND KITTLE TO ADJOURN AS THE LOCAL LICENSING AUTHORITY AND RECONVENE AS THE BASALT TOWN COUNCIL. THE MOTION CARRIED 5-0.

7. Public Hearing and Second Reading Ordinance No. 19, Series of 2004: An Ordinance Levying General Property Taxes for the Year 2005, To Help Defray the Costs of Government for the Town of Basalt, Colorado, for the 2005 Budget Year

The public hearing was opened at 6:40. There was no public comment. The public hearing was closed at 6:40 p.m.

M/S COUNCILORS KITTLE AND BENNETT TO ADOPT ON SECOND READING, ORDINANCE NO. 19, SERIES OF 2004, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2005, TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF BASALT, COLORADO, FOR THE 2005 BUDGET YEAR. THE MOTION CARRIED 5-0.

8. Public Hearing and Second Reading Ordinance No. 20, Series of 2004: An Ordinance Appropriating Sums of Money to the Various Funds and Spending Agencies, In the Amounts and for the Purposes Set Forth Below, for the Town of Basalt, Colorado, for the 2005 Budget Year

The public hearing was opened at 6:41. There was no public comment. The public hearing was closed at 6:41 p.m.

M/S COUNCILORS BENNETT AND ERNEMANN TO ADOPT ON SECOND READING, ORDINANCE NO. 20, SERIES OF 2004, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW, FOR THE TOWN OF BASALT, COLORADO, FOR THE 2005 BUDGET YEAR. THE MOTION CARRIED 5-0.

9. Resolution No. 14, Series of 2004: A Resolution Summarizing Expenditures and Revenues For Each Fund and Adopting a Budget For the Town of Basalt, Colorado, for the Calendar Year Beginning on the First Day of January, 2005, and Ending on the Last Day of December, 2005

M/S COUNCILORS RAPPAPORT AND BENNETT TO ADOPT RESOLUTION NO. 14, SERIES OF 2004, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF BASALT, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2005, AND ENDING ON THE LAST DAY OF DECEMBER, 2005. THE MOTION CARRIED 5-0.

10. Public Hearing and Second Reading Ordinance No. 22, Series of 2004: An Ordinance Appropriating Additional Sums of Money to Defray Expenses in Excess of Amounts Budgeted for the 2004 Budget for the Town of Basalt, Colorado

The public hearing was opened at 6:43. There was no public comment. The public hearing was closed at 6:43 p.m.

M/S COUNCILORS BENNETT AND KITTLE TO ADOPT ON SECOND READING, ORDINANCE NO. 22, SERIES OF 2004, APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE 2004 BUDGET FOR THE TOWN OF BASALT, COLORADO. THE MOTION CARRIED 5-0.

11. Public Hearing Second Reading Ordinance No. 25, Series of 2004: An Ordinance of the Town of Basalt, Colorado, Approving a New Section 13-48 of the Town Code Concerning Cross-Connections; and Approving a Cross-Connection Manual Establishing a Cross-Connection Control Program and Policies to require Adequate Backflow Prevention

Deputy Manager Betsy Suerth noted there were a couple of minor wording changes to the ordinance requested by Fire Marshal Bill Harding.

Mayor Duroux opened the public hearing at 6:47 p.m. There was no public comment. The public hearing was closed at 6:47 p.m.

Councilor Tiffany Ernemann reiterated that this ordinance was mandated by the State of Colorado; the Town had no choice but to pass this ordinance.

M/S COUNCILORS ERNEMANN AND BENNETT TO ADOPT ON SECOND READING, ORDINANCE NO. 25, SERIES OF 2004, APPROVING A NEW SECTION 13-48 OF THE TOWN CODE CONCERNING CROSS-CONNECTIONS; AND APPROVING A CROSS-CONNECTION MANUAL ESTABLISHING A CROSS-CONNECTION CONTROL PROGRAM AND POLICIES TO REQUIRE ADEQUATE BACKFLOW PREVENTION. THE MOTION CARRIED 5-0.

12. Public Hearing and Second Reading of Ordinance No. 24, Series of 2004: Ordinance of the Town Council of Basalt, Colorado, Approving the Second Amendment to the Final Development Plan PUD Control Document for **Willits Town Center (Regarding Phasing Requirements for Affordable Housing)**

Town Planner Susan Philp explained that although the applicants were out of town and unable to attend this evening's meeting, they were happy with the ordinance and wanted to move forward.

Mayor Duroux opened the public hearing at 6:50 p.m. There was no public comment. The public hearing was closed at 6:50 p.m.

M/S COUNCILORS KITTLE AND ERNEMANN TO ADOPT ON SECOND READING, ORDINANCE NO. 24, SERIES OF 2004, APPROVING THE SECOND AMENDMENT TO THE FINAL DEVELOPMENT PLAN PUD CONTROL DOCUMENT FOR WILLITS TOWN CENTER (REGARDING PHASING REQUIREMENTS FOR AFFORDABLE HOUSING). THE MOTION CARRIED 5-0.

13. First Reading Ordinance No.26, Series of 2004: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving a Minor Subdivision Pursuant to Section 17-83, Basalt Municipal Code for the Property Known As the Basalt Riverfront Park (Also Known as 22826 Two Rivers Road).

It was noted that this minor subdivision to the Levinson property – Basalt Riverfront Park – would allow for the sale of the property to the Roaring Fork Conservancy. Susan noted that item B(1)(b) of the Ordinance allowed any non-residential public or non-profit use of Lot 1 to pay fees in lieu of parking and to provide parking on Two Rivers Road rather than on-site.

M/S COUNCILORS BENNETT AND RAPPAPORT TO APPROVE ON FIRST READING, ORDINANCE NO. 26, SERIES OF 2004, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING A MINOR SUBDIVISION PURSUANT TO SECTION 17-83, BASALT MUNICIPAL CODE FOR THE PROPERTY KNOWN AS THE BASALT RIVERFRONT PARK (ALSO KNOWN AS 22826 TWO RIVERS ROAD), AND SET SECOND READING AND PUBLIC HEARING FOR DECEMBER 8, 2004. THE MOTION CARRIED 5-0.

14. Executive Session: To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a)

M/S COUNCILORS BENNETT AND KITTLE TO ENTER EXECUTIVE SESSION TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL,

OR OTHER PROPERTY INTEREST UNDER C.R.S. SECTION 24-6-402(4)(a). THE MOTION CARRIED 5-0.

Clerk Schilling changed the recording tape.

Mayor Duroux read from the Executive Session Motion Form: “ It’s Tuesday, November 23, 2004, and the time is 6:55 p.m. For the record, I am the presiding officer, Leroy Duroux. As required by the Open Meetings Law, this executive session is being electronically recorded. Also present at this executive session are the following persons: Jody Edwards, Bill Efting, Susan Philp, Betsy Suerth, Pam Schilling, Tracy Bennett, Tiffany Ernemann, Glenn Rappaport and Mark Kittle. This is an executive session To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). I caution each participant to confine all discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.”

Leroy then read: “I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law. I will hand the tape to the Town Attorney to retain for a 90-day period.”

Clerk Schilling returned recording to the original meeting tape.

Leroy Duroux then stated: “The time is now 7:47 p.m., and the executive session has been concluded. The participants in the executive session were: Jody Edwards, Bill Efting, Susan Philp, Betsy Suerth, Pam Schilling, Tracy Bennett, Tiffany Ernemann, Glenn Rappaport and Mark Kittle. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Seeing none, the next agenda item is...”

Councilor Rappaport suggested an amendment to the ordinance to allow the Town right of first refusal on the sale of the property.

M/S COUNCILORS ERNEMANN AND BENNETT TO APPROVE ON FIRST READING, ORDINANCE NO. 27, SERIES OF 2004, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTRACT TO BUY AND SELL REAL ESTATE BETWEEN THE ROARING FORK CONSERVANCY AND THE TOWN OF BASALT, COLORADO; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; TO AMEND THE ORDINANCE TO INCLUDE THE RIGHT OF FIRST REFUSAL BY THE TOWN OF BASALT; AND TO SET SECOND READING AND PUBLIC HEARING FOR WEDNESDAY, DECEMBER 8, 2004. THE MOTION CARRIED 5-0.

M/S COUNCILOR RAPPAPORT NOTED THAT ED SIMONSON WAS STILL EXPRESSING CONCERNS WITH THE CHIMES THAT PLAY EACH HOUR.

Also, Bill Efting was working with delivery trucks to hold deliveries until 6 a.m. or later due to the noise complaints being generated downtown.

M/S COUNCILORS KITTLE AND BENNETT TO ADJOURN THE MEETING. THE MOTION CARRIED 5-0.

The meeting adjourned at 7:50 p.m.

The minutes of the November 23, 2004 meeting were read and approved this 8th day of December, 2004.

TOWN OF BASALT

ATTEST:

By: _____
Mayor Leroy Duroux

Pamela K. Schilling, Town Clerk