



**BASALT TOWN COUNCIL
MINUTES – FEBRUARY 26, 2019**

Basalt is an inclusive, sustainable, mountain community that boasts both historic charm and progressive vision. It is an engaging place to live, work and play while offering an abundance of creative, professional, educational and recreational outlets.

5:00 PM WORKSESSION AND INTERVIEWS:

- A.** Council meets with Basalt Affordable Housing Commission (BACH) (Sara Nadolny)
- B.** Council to interview potential Committee Members for Basalt Public Arts Commission (BPAC) and BACH (Sara Nadolny and Watkins Fulk-Gray)

1. CALL TO ORDER AND ROLL CALL

The Regular meeting of the Basalt Town Council was called to order at 6:02 PM by Mayor Pro tem Gary Tennenbaum. Council members present were Bill Infante, Katie Schwoerer, Jennifer Riffle and Ryan Slack. Council member Auden Schendler and Mayor Jacque Whitsitt were absent.

2. COUNCIL RECOGNITIONS:

2A. STUDENTS OF THE MONTH: Pillar of Caring - Be kind; Be compassionate and *show* you care; Express gratitude; Forgive others; Help people in need.

Basalt Students of the Month for February are:

From Basalt Elementary: Sofia Rosales and Milton Garcia
From Basalt Middle School: Kathryn Koch & Jim Rawley
From Basalt High School: Alecsa Glenn and Max Manjarrez

2B. PROCLAMATION: A Proclamation was read honoring Anna Cunningham; and encouraging support of the St. Baldrick's Event at the Basalt High School on February 27, 2019.

Town Attorney Jeff Conklin requested an item be added to the agenda: A conference with our attorney for the purpose of receiving legal advice on specific legal questions in accordance with C.R.S. 24-6-402(4)(b) specifically to discuss TABOR restrictions as they relate to the Town's tobacco tax.

M/S COUNCILORS SCHWOERER AND RIFFLE THAT THE TOWN COUNCIL ADD TO THE EXECUTIVE SESSION “A CONFERENCE WITH OUR ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(B) SPECIFICALLY TO DISCUSS TABOR RESTRICTIONS AS THEY RELATE TO THE TOWN’S TOBACCO TAX”. THE MOTION CARRIED 5-0.

3 CONSENT AGENDA:

3A. Minutes: February 12, 2019

3B. Resolution No. 06, Series of 2019: A Resolution of the Town Council of the Town of Basalt, Colorado, Approving an Agreement for Professional Services with McMahan and Associates, LLC to Provide Audit Services for the 2018 Calendar Year (Christy Hamrick/Ryan Mahoney)

M/S COUNCILORS RIFFLE AND SLACK THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0.

4. CALL TO THE PUBLIC:

4A. Positive Comments and Gratitudes about Basalt

4B. At this time members of the public are invited to address the Town Council on any issue, except for items scheduled for a Public Hearing at this meeting.

Jenn Riffle said she met with a neighbor who wanted to thank the “amazing leprechaun who was filling up the potholes in town”, and thanked public works for getting out on top of our freeze thaw cycle.

5. MAYOR AND COUNCIL REPORTS/COMMENTS

Jennifer Riffle said she had met with Christy Hamrick and Ryan Mahoney last week and thanked them for their integrity and ‘stick-with-it-ness” they are providing to the Town.

Bill Infante said he met with Ann Scott and the Library Board last week. They shared their respective directions and visions. It was suggested the Library Board and Town Council meet more frequently and actively. Bill has suggested the Council invite the Library Board in for a presentation and discussion when appropriate.

Bill Infante said three of our State Representatives were at the library last week for a local “town hall” and met with a crowd of about 60 people. Dylan Roberts, Julie McCluskie and Kerry Donovan came to lay out their strategies which are consistent and similar to ours – environmental issues, health care, housing, etc. Bill said he appreciated they came and shared their time. They did suggest there would be changes to TABOR and Gallagher but did not elaborate.

6. MANAGER’S REPORT

Town Manager Ryan Mahoney updated Council on the grant for flood mitigation which will be brought back to Council on March 12 for a review of an IGA between the Town and Eagle County, as well as signing the grant paperwork to accept the funds. Ryan credited Christy and Jeff for getting all the information and paperwork together.

Additionally, as it relates to the mill levy TABOR issue, it is our intent to get some new information, and to seek feedback from the community in the next weeks or so.

7. COUNCIL ACTIONS

7A. Public Hearing on Basalt River Park LLC Application: Basalt River Park LLC on behalf of the Roaring Fork Community Development Corporation, a Colorado Non-Profit Corporation, has made an application to develop twenty-eight (28) residential units, three (3) commercial buildings which are proposed to include two (2) non-profit facilities and a food and beverage operation, and associated improvements on the property and on Town-owned property adjacent to or near property, commonly known as the Roaring Fork Community Development Corporation (CDC) Property. Development Actions include: Rezoning to the Community Serving Commercial (CSC) Zone District; CSC Sketch Plan Review; Amendments to the CSC Zone District, Sketch Plan Subdivision, ESA and ESA Reach II Floodplain Review. ***Update by Bruce Kimmel, Ehlers, followed by Council and Public Comment and motion to continue.***

Assistant Planning Director James Lindt and Town Manager Ryan Mahoney led discussion of this item with Bruce Kimmell via phone from Ehlers (financial consultants), and applicant representatives Tim Belinski, Michael McVoy and Rich Carr. After a presentation by Bruce Kimmell, the public hearing was opened.

The Public Hearing was opened by Mayor Pro tem Tennenbaum at 7:10 pm.

Bernie Grauer spoke to this issue indicating there was a lot we did not know and he was looking forward to learning more about it. He asked some questions about the amount of the Town's investment in preparing the land for the CDC. Bernie discussed commitments made by past councils. He felt those commitments were key. Bernie stated his reasons for support of this development and encouraged Council to move ahead.

There were no further comments and the hearing was closed at 7:13 pm.

M/S COUNCILORS SLACK AND INFANTE TO CONTINUE THE PUBLIC HEARING AND THE BASALT RIVER PARK LLC APPLICATION TO MARCH 12, 2019. THE MOTION CARRIED 5-0.

8. ITEMS FOR COUNCIL CONSIDERATION

8A. Discussion on the Third Roaring Fork Club Event: Council discussion and Direction (Ryan Mahoney)

Town Manager Ryan Mahoney presented this item with Scott Gilbert of Habitat for Humanity.

This item discussed the 3 community events (one a golf event) that could be held annually at the Roaring Fork Club. Traditionally, 2 of the events have been scheduled each year – one is a charity golf tournament to a local non-profit, the other to Basalt Education Foundation as a dinner fundraiser. This year, the Club has offered a second golf event (third annual event) if

Habitat for Humanity could secure the Town's approval. A short video of some Habitat for Humanity recipients of the Basalt Vista project was shown. All the proceeds from the second golf tournament would go to the Basalt Vista Housing project. Even with the concessions the Town has made for the project – creating a net-zero community and town fee discounts, there is a funding gap. This tournament could help fill that gap. The 3rd event was offered to the Roaring Fork Conservancy and the Hope Center, though scheduling did not work out and the event has not been allocated this year.

Council members discussed how the recipients were chosen each year, and if this was a one-time ask or an indefinite use of the 3rd event. Staff discussed the process of choosing the recipient; Scott Gilbert clarified this was a one-time ask for 2019.

Council members were generally supportive of the 3rd event to Habitat this year. Katie Schwoerer noted this was an exception and felt future events should be made accessible to all.

M/S COUNCIL MEMBERS SLACK AND INFANTE THAT THE TOWN COUNCIL AWARD THE THIRD (3RD) AVAILABLE EVENT TO HABITAT FOR HUMANITY FOR 2019. THE MOTION CARRIED 5-0.

8B. Update and Discussion on Tree Farm Application: Request by Tree Farm Applicant to phase underpass contribution and referral comments to Eagle County for Final Plat Application. (James Lindt)

Assistant Planning Director James Lindt reviewed this item with Council, and noted there was a fairly tight comment period. The request from the Tree Farm applicant relates to the reimbursement of their share of the Willits pedestrian underpass funding. Staff suggested 4 reimbursement phasing options to Council as outlined in the staff memo of 02/26/19 titled Underpass Reimbursement Phasing Options.

Council commented on the reimbursement proposal letter with general consensus favoring Option #4 and Option #2. Option 4 "Negotiate with Developer for land use concessions that would alleviate concerns about competition with certain commercial businesses in the Town", or Option 2 "Provide comments indicating that the Town is not supportive or accepting of phasing the reimbursement.

Council accepted the rest of the letter as drafted as it relates to the CDOT access permits and other matters.

M/S COUNCILORS SCHWOERER AND SLACK TO APPROVE THE LETTER AS AMENDED TO HAVE TOWN STAFF NEGOTIATE WITH APPLICANT TO DETERMINE IF THE APPLICANT IS WILLING TO DELAY CONSTRUCTION OF ANY COMMERCIAL DEVELOPMENT UNTIL ALL OF THE UNDERPASS REIMBURSEMENT HAS BEEN PAID AND IF NOT THE TOWN DOES NOT SUPPORT PHASING OF THE UNDERPASS REIMBURSEMENT PAYMENT. THE MOTION CARRIED 5-0.

8C. Board and Committee Appointments (Susan Philp/Ryan Mahoney)

M/S COUNCILORS SLACK AND INFANTE THAT ALL APPLICANTS THAT APPLIED FOR OPEN SEATS ON THE BPAC AND BACH BE APPOINTED.

To clarify, Abigail Gierke and Humberto Sandoval be appointed to the Basalt Public Arts Council; and that Katie Erickson, Rick Stevens and Ann Baker be appointed to the Basalt Affordable Community Housing Board. All terms are to be for 3 years.

Jenn Riffle suggested what seemed to work in the past was a subcommittee of Council members who took care of the interviews and turned back with recommendations rather than doing interviews at a Council meeting.

Katie Schwoerer said she understood some people couldn't attend tonight, but felt it was good that Council expected people to show up and talk to Council; she didn't want to set a precedent that someone could apply by letter and never meet or talk with Council.

(It was noted that Humberto Sandoval had to work and Rick Stevens had a family medical issue to attend to.)

THE MOTION CARRIED 5-0.

8D. Selection of Basalt Master Plan Consultant (Susan Philp/Ryan Mahoney)

Planning Director Susan Philp and Gyles Thornley were present to discuss this item with Council. Staff was seeking for Council to select CTA as the consultant to prepare the Master Plan. Out of the 10 proposals received, one was incomplete and one missed the deadline. On February 11, staff interviewed 5 of the firms with the Town Manager creating the selection committee as per the procurement code. Two member of P&Z, one Post member and 3staff members made up the selection committee. All recommended the selection of CTA with their collaboration with local firm Connect One.

M/S COUNCILORS SLACK AND RIFFLE THAT THE TOWN COUNCIL APPROVE CTA AS THE FIRM TO COMPLETE THE MASTER PLAN AND DIRECT STAFF TO NEGOTIATE THE CONTRACT. THE MOTION CARRIED 5-0.

9. EXECUTIVE SESSION MOTION:

Town Attorney Jeff Conklin indicated that Jennifer Riffle may wish to recuse herself due to connections with the Shining Mountain Way property and he clarified that the TABOR discussion related to the Town's tobacco tax.

Jennifer Riffle noted that she would be recusing herself on the first item related to the Shining Mountain Way property due to connections with that property, but she would return to the meeting for the TABOR discussion. Jennifer Riffle then left the room.

M/S COUNCILORS SLACK AND INFANTE THAT THE THAT THE TOWN COUNCIL ENTER EXECUTIVE SESSION FOR PURPOSES OF DISCUSSING THE PURCHASE, ACQUISITION, LEASE, TRANSFER OR SALE OF PROPERTY INTERESTS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(A), MORE SPECIFICALLY TO DISCUSS THE SHINING MOUNTAIN WAY PROPERTY; AND FOR A CONFERENCE WITH OUR ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(B) SPECIFICALLY TO DISCUSS TABOR RESTRICTIONS AS THEY RELATE TO THE TOWN'S TOBACCO TAX. THE MOTION CARRIED 4-0.

10. INFORMATION AND CORRESPONDENCE:

- 10A. Accounts Payable
- 10B. Advanced Agendas
- 10C. Correspondence to the Town
- 10D. Sales Tax Update – January 2019
- 10E. VALE Board Minutes of 02.11.19 Meeting


Announcement: The Executive Session concluded at 8:53 pm. Attorney Conklin read a statement offering anyone present at the Executive Session to speak if the discussions went outside of the stated purposes. No concerns were raised.

11. MOTION TO ADJOURN

M/S COUNCILORS SLACK AND RIFFLE TO ADJOURN THE MEETING AT 8:54 PM. THE MOTION CARRIED 5-0.

The minutes of this February 26, 2019 meeting were read and approved this 12th day of March, 2019.

BASALT TOWN COUNCIL:

By: 
Gary Tennenbaum, Mayor Pro tem

ATTEST:


Pamela Schilling, Town Clerk



This meeting can be viewed in its entirety at:
<https://townofbasalt.ompnetwork.org/sessions/100045?embedInPoint=1&embedOutPoint=9880&shareMethod=link>