



**BASALT TOWN COUNCIL  
MEETING MINUTES – AUGUST 13, 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.**

**REGULAR COUNCIL MEETING**

**1. CALL TO ORDER AND ROLL CALL**

The regular meeting of the Basalt Town Council was called to order at 6:00 pm by Mayor Jacque Whitsitt. Council members present were Katie Schwoerer, Gary Tennenbaum, Ryan Slack and Jennifer Riffle.

**2. CONSENT AGENDA:**

**2A. Minutes:** July 23, 2019

**2B. Minutes:** July 2, 2019

**2C. Modification of Premises:** City Market (Pam Schilling/Jeff Conklin)

**2D. Special Event Activity Permit:** Music on Market Street - August 23 (Watkins Fulk-Gray);

**2E. Special Event Activity Permit:** Aspen Valley Ski & Snowboard Club Rock and Swap (Watkins Fulk-Gray)

**M/S COUNCILORS RIFFLE AND TENNENBAUM TO APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. THE MOTION CARRIED 5-0.**

**3. CALL TO THE PUBLIC:**

**3A. Positive Comments and Gratitudes about Basalt**

**3B. 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.**

- Carol Hawk, Willits resident, spoke in opposition to the Town's plan to remove a stop sign at Meadow Drive and Willits in Basalt noting it would be a safety issue.
- Kevin McDougall spoke to 3 items related to the recent flash flooding in the hillside neighborhood: safety and communication; short and long term mitigation plans; and deferring liability to the residents.
- Toni Kronberg spoke to the beautify of the gardens in Basalt and the edible garden at Ponderosa Park; and she thanked the Town for hiring a pool consultant and thanked Ryan Mahoney, Susan Philp and the POST Committee for making the pool project happen (see item 6I, Resolution 31 Series of 2019).

#### **4. MAYOR AND COUNCIL REPORTS/COMMENTS**

Mayor Whitsitt acknowledged Ryan Mahoney and the staff who have been working on the hill and those residents who caught a lot of rain and debris up there. Ryan Mahoney stated he and staff had been working hard to get information out to the residents of the neighborhood who have been impacted.

Ryan Slack thanked Chief Knott and his team for patrolling the neighborhood; he said his heart goes out to all his neighbors who had issues with the recent flooding.

Jenn Riffle said she and the Mayor had met with Eagle County Commissioner Matt Scherr to talk about collaboration between the Town and Eagle County. Jenn noted she was grateful for his service. Jenn said she looked forward to the Town having a super positive relationship working with Birch Baron, Eagle County Emergency Manager. She offered a shout out to Stacey Craft and Mike Kerr on the drone video which showed how the recent flooding affected the shooting range and illustrates the environmental impact and concerns. Jenn also gave a shout out to all the residents on Sopris and Cedar who banded together to take care of each other during the recent flood event.

#### **5. MANAGER'S REPORT**

Town Manager Ryan Mahoney reported on the proposed stop sign removal from the intersection of Willits Lane and Meadow Drive explaining that it had been placed as a speed control measure. The Model Traffic Code says that stop signs and yield signs should not be used for speed control. Staff looked at a speed study over the past 30 days which indicated less than 1% of vehicles speed in that area. One issue with the stop sign is increased noise created as trucks slow down and speed up again. Another issue is maintenance of the asphalt which requires replacement more often as trucks push it when they stop and start.

Ryan Mahoney had met with the owners of properties affected by the recent flood in the hill district, with the exception of maybe 2. He has also met with the engineer and the NRCS (Natural Resources Conservation Service) – the federal agency that gave the Town money for watershed protection. Everyone is doing all they can to prioritize and expedite the project. A mitigation plan has been deployed near the Basbergs; the plan is all around Basalt Mountain in general. An email contact list has been started. Steven Jowan of NRCS will be making contact with individual property owners; there may be some design elements that can be placed on private properties to divert future water. None of these measures that are put in to place in town or up on Basalt Mountain are 100% guarantee of property protection.

Staff will bring back a Resolution Declaring a Climate Emergency for the next meeting as requested by Katie Schwoerer.

Ryan Mahoney met with Stacey Craft recently to discuss the flooding that carried debris down from the CPW shooting range. CPW has been reconstructing the road to Lake Christine. There is concern about what the flood did to the area. Ryan is meeting on Friday with Birch Baron of Eagle County Emergency Management and Rick Lofaro of the Roaring Fork Conservancy. Rick Lofaro did pass along information to Ryan that came from a hydrologist that said it was a pretty remote possibility that there was contamination that would affect the health of the rivers or streams, but that's not proven at this point. We can inform the county of a potential environmental issue; they have the resources to help facilitate testing.

Stacey Craft said that the hydrologist that made an assessment of the Lake Christine area had not seen the video and had not seen that people had been shooting over the water spring area; the hydrologis had not done any site visits. Stacey said the amount of waste – casings, skeet clay, lead - is all over the area and we should not rest assured that this hydrologist's assessment is correct. Ryan Mahoney indicated that the Town still wanted to move forward with its own testing in spite of the hydrologist's assessment.

## **6. COUNCIL ACTIONS:**

**6A. Public Hearing and Second Reading of Ordinance No. 15, Series of 2019:** An Ordinance of the Town Council of Basalt, Colorado Approving a Voluntary Refund of Overcollected Revenues from the Town's General Operating Mill Levy for Fiscal Years 2016 to 2019 (Ryan Mahoney/Christy Hamrick/Jeff Conklin)

Town Attorney Jeff Conklin discussed this item with Council along with Christy Hamrick who was available by phone.

The Public Hearing was opened at 6:36 PM. There were no public comments and the hearing was closed.

**M/S COUNCILORS SLACK AND TENNENBAUM THAT THE TOWN COUNCIL ADOPT ORDINANCE NO. 15, SERIES OF 2019 ON SECOND READING.**

Council member Jennifer Riffle asked about future budgeting implications. Ryan and Christy explained how the COPs would impact the budget, where the funds would come from, how this ordinance tied with the sale of some affordable housing property, etc. Jennifer requested some information that she could share on what services might be impacted that she could share with constituents.

**THE MOTION CARRIED 5-0.**

**6B. Public Hearing and Second Reading of Ordinance No. 16, Series of 2019:** An Ordinance of the Town Council of Basalt, Colorado, Authorizing the Financing of a Voluntary Refund of Overcollected Revenues from the Town's General Operating Mill Levy for Fiscal Years 2016 to 2019 and In Connection Therewith Authorizing the Sale and Subsequent Leasing of Certain Town Property and the Execution and Delivery by the Town of a Deed, a Lease Purchase Agreement, and Other Documents Related to the Financing

Town Attorney Jeff Conklin and Finance Director Christy Hamrick via phone, reviewed this item with Council offering an explanation of Certificates of Participation (COPs). Jeff made a correction to page 3, paragraph 3 – removing the words "any of".

Mayor Whitsitt opened the public hearing at 6:45 PM. There were no comments and the hearing was closed.

**M/S COUNCILORS SLACK AND SCHWOERER THAT THE TOWN COUNCIL ADOPT ORDINANCE NO. 16, SERIES OF 2019, WITH THE AMENDMENT TO SECTION 3, PAGE 3, TO REMOVE THE WORDS "ANY OF". THE MOTION CARRIED 5-0.**

**6C. First Reading of Ordinance No. 17, Series of 2019:** An Ordinance of the Town Council of Basalt, Colorado, Providing for a Supplemental Appropriation for the Year Ending December

31, 2019 Related to the Voluntary Refund of Overcollected Revenues from the Town's General Operating Mill Levy and Repayment of the Affordable Housing Line of Credit

Town Manager Ryan Mahoney spoke to this item with Council, along with Christy Hamrick via phone.

**M/S COUNCILORS SLACK AND TENNENBAUM THAT THE TOWN COUNCIL APPROVE ORDINANCE 17, SERIES OF 2019 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR AUGUST 27, 2019. THE MOTION CARRIED 5-0.**

**6D. Public Hearing and Second Reading of Ordinance No. 14, Series of 2019:** An Ordinance of the Town Council of Basalt, Colorado Amending Chapter 7, Article VII related to the Town's Dog Leash Laws

Town Manager Ryan Mahoney and Chief of Police Greg Knott addressed this item with council. This particular ordinance does not identify those areas for leash free areas, but acknowledges that we can identify off leash areas in a future ordinance.

Mayor Whitsitt opened the public hearing at 6:53 PM.

Citizens speaking to this matter were: Toni Kronberg spoke to fencing a safe place for dogs to run around as is set up at Crown Mountain Park; and Greg Gordon, Southside resident, who spoke to fencing some leash free areas to the extent feasible.

There were no further comments and the hearing was closed.

Jennifer Riffle said she would like to see comparable numbers from other municipalities concerning the number of dog bites, calls, dogs at large, etc., and would like that information included for the record with the next ordinance.

**M/S COUNCILORS SCHWOERER AND SLACK TO ADOPT ORDINANCE NO. 14, SERIES OF 2019 ON SECOND READING. THE MOTION CARRIED 5-0.**

**6E. First Reading of Ordinance No. 18, Series of 2019:** An Ordinance of the Town Council of Basalt, Colorado, Amending Chapter 16, Zoning, of the Municipal Code to Provide for the Regulation of Wireless Communication Facilities in the Town

Town Attorney Jeff Conklin explained the ordinance, why it was before Council, and what the ordinance does. Passage of this ordinance would help insure the Town is in a position to act in a timely manner and to allow us to choose the best type of 5G technology facility for our community.

Jennifer Riffle noted 5G can create a lot of additional electronic clutter and she wanted the Town to maintain its small town and clean lines in Willits. Jenn praised the annual safety monitoring to insure the health and wellness of our citizens and guests.

**M/S COUNCILORS RIFFLE AND SLACK THAT THE TOWN COUNCIL APPROVE ORDINANCE NO 18, SERIES OF 2019 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR AUGUST 27, 2019. THE MOTION CARRIED 5-0.**

**6F. Resolution No. 27, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Amending the Town's Policies for Special Events

Town Planner Watkins Fulk-Gray explained this Resolution to Council noting that allowing administrative review and approval for closure of streets would help staff to be more nimble and respond more quickly to special event requests.

**M/S COUNCILORS SLACK AND TENNENBAUM THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 278, SERIES OF 2019. THE MOTION CARRIED 5-0.**

**6G. Resolution No. 28, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Approving Amendments to the Town's Capital Improvements Plan (CIP) for 2019 through 2023 for POST Projects

Town Manager Ryan Mahoney explained the need for the amendments to the Capital Improvements Plan for 2019 and the discussed the source of the funding. There was discussion concerning the 1% for the Arts and how those funds could/would be used in this project. Staff noted that the 1% for the Arts should probably come back to Council for policy/process review overall, but it really didn't have anything to do with this specific resolution.

Jennifer Riffle explained she was on board with the sidewalk, but not for \$160,000 more.

**M/S COUNCILORS TENNENBAUM AND SLACK THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 28, SERIES OF 2019. THE MOTION CARRIED 4-1 WITH COUNCIL MEMBER RIFFLE OPPOSED.**

**6H. Resolution No. 29, Series of 2019:** A Resolution of the Town Council of Basalt Colorado Approving Two Rivers Road Project and Authorizing Staff to Enter a Contract with HEYL Construction, Inc.

Town Manager Ryan Mahoney noted this was a follow up and compliment to the previous agenda item. Amendments to the Resolution were discussed to allow the Town Manager to negotiate the start and end dates; waiving section 5.2 of the Procurement Policy concerning the local preference; and amend the Resolution to authorize the Town Manager to the extent necessary to waive restrictions on the use of the 1% Arts Fund consistent with the law.

Katie Schwoerer agreed with Jennifer about the cost of the sidewalk. She felt it was stunning to see this number. Mayor Whitsitt felt it was a safety issue and has been so for a long time, dumping people out on the street, or not using the pedestrian bridge at all. Jennifer Riffle said she supported staff position on this, but suggested value engineering this and having the sidewalk on the other side of the street where construction costs might be less.

**M/S COUNCILORS TENNENBAUM AND SLACK TO ADOPT RESOLUTION NO. 29, SERIES OF 2019, WITH THE AMENDMENTS THAT ALLOW THE TOWN MANAGER TO ADJUST THE TIME FRAMCE OF THE CONTRACT AS NECESSARY; TO DEAL WITH THE POTENTIAL LEGAL ISSUES OF THE 1% FOR THE ARTS; AND TO WAIVE THE LOCAL PREFERENCE. THE MOTION CARRIED 4-1 WITH COUNCILOR RIFFLE OPPOSED.**

**6I. Resolution No. 31, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado Authorizing the Engagement of Design and Engineering Services for the Arbaney Park Swimming Pool Project with Connect One Design Landscape Architecture and Land Planning Eyse Hotel, Connect One Design and Planning Director Susan Philp discussed the background of this item with Council. A Master Plan for Arbaney Park had been prepared by Black Shack Architects and Terrain a couple of years ago. A Phasing Plan had also been developed.

Phase1 included improvements to the Arbaney Park swimming pool. Those improvements are included in this year’s Capital Improvement Plan to begin the design work at the pool. RFPs resulted in 2 proposals: Connect One Design et al, and Black Shack Architects et al. A review committee recommended the Agreement be finalized with Connect One Design.

Council comments followed.

Though not a public hearing, the floor was opened to public comment.

Ton Kronberg commented on this item and added that she would be happy to help support this project and assist with public outreach.

**M/S COUNCILORS SLACK AND TENNENBAUM THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 31, SERIES OF 2019. THE MOTION CARRIED 4-0. (Council member Schwoerer was out of the room at the time of the vote.)**

**6J. Resolution No. 30, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Approving the Sign Design for the East Two Rivers Road Entry Sign and Directing Town Staff to Request Bids for Fabrication and Installation of the Sign

Assistant Planning Director James Lindt introduced members of the Basalt Chamber Sign Committee, Lynne Mace, Watkins Fulk-Gray and Kris Materra, who were also present to discuss this item with Council.

**M/S COUNCILORS SLACK AND RIFFLE THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 30, SERIES OF 2019.**

Jennifer Riffle said she would like to see the landscape improved on the northwest corner (across from the sign). Susan Philp indicated it was not in Town, and may be a wildlife area.

**THE MOTION CARRIED 5-0.**

**6K. Resolution No. 26, Series of 2019:** A Resolution of the Town Council of the Town of Basalt, Colorado, Approving an Amendment to Employment Agreement with Town Manager

Jeff Conklin discussed the employment agreement amendments including an extension for an additional 2 years and some clean-up items including the correction of a charter reference, clarification as to the employee housing unit and increase in number of vacation days, as well as deleting obsolete provisions and providing for an annual review; and that prior to the expiration of this contract, we have a review and potential amendment.

**M/A COUNCILORS SLACK AND SCHWOERER THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 26, SERIES OF 2019. THE MOTION CARRIED 5-0.**

**7. INFORMATION AND CORRESPONDENCE:**

- 7A.** Accounts Payable
- 7B.** Advanced Agendas
- 7C.** June Sales Tax Report 2019
- 7D.** Correspondence to the Town

**8. MOTION TO ADJOURN**

The meeting was adjourned at 8:03 pm.

The minutes of this August 13, 2019 meeting were read and approved this 27<sup>th</sup> day of August, 2019.

**BASALT TOWN COUNCIL:**

**ATTEST:**

By:   
Jacque Whitsitt, Mayor



  
Pamela Schilling, Town Clerk

This meeting can be viewed in its entirety at:

<https://townofbasalt.ompnetwork.org/sessions/112267?embedInPoint=1&embedOutPoint=8316&shareMethod=link>