



**BASALT TOWN COUNCIL  
MINUTES – JANUARY 22, 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.**

**6:00 PM 1. CALL TO ORDER AND ROLL CALL**

The regular meeting of the Basalt Town Council was called to order at 6:00 p.m. by Mayor Jacque Whitsitt. Present were Council members Jennifer Riffle, Auden Schendler, Bill Infante and Gary Tennenbaum. Council members Ryan Slack and Katie Schwoerer were absent.

Town Attorney Jeff Conklin requested the addition of an item to the Executive Session.

**M/S COUNCILORS INFANTE AND RIFFLE TO ADD AN ITEM TO THE EXECUTIVE SESSION PURSUANT TO C.R.S 24-6-402 (4)(b) FOR THE PURPOSES OF DISCUSSING THE TED GUY ET AL. V. TOWN OF BASALT LAWSUIT. THE MOTION CARRIED 5-0.**

**2. Students of the Month:** January – Pillar of Fairness (This item was moved to the February 12, 2019 meeting.)

**3. CONSENT AGENDA:**

**3A. Minutes:** January 8, 2019;

**3B. Continue to February 12, 2019:** Medical Marijuana License for 175 Midland Avenue, Downvalley HYH dba Good People (Pam Schilling)

**3C. Appoint Substitute Municipal Judge:** Pursuant to Section 8.3 of the Town Charter, the Town Council appoints Timothy Graves as Substitute Municipal Court Judge to serve in case of temporary absence, sickness, disqualification, or other inability of the presiding Municipal Judge to act. (Jeff Conklin and Pam Schilling)

**3D. Continue to February 12, 2019: 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. (James Lindt)

**M/S COUNCILORS RIFFLE AND INFANTE TO APPROVE THE CONSENT AGENDA ITEMS 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.

Mayor Whitsitt thanked Gary Tennenbaum for his appearance this evening as it was his birthday. Gary Tennenbaum thanked staff for the great work they have been doing to clear snow from the roads.

**5. MAYOR AND COUNCIL REPORTS/COMMENTS**

Mayor Whitsitt noted that Council member Schwoerer was not present this evening. Katie's friend and co-worker, Arin Trook, was killed in an avalanche on Monday, January 21. Arin was the Education Director at ACES. Mayor Whitsitt, on behalf of the town council and staff, expressed sympathy for the family and friends of Arin Trook.

Jennifer Riffle reported from BACH (Basalt Affordable Community Housing), that the 2017 multi-jurisdictional report is in its final draft. She was grateful for the data that was pulled together for sharing; Basalt contributed specific data in every area and there were a fair number of respondents from Basalt. The information will be beneficial to our future planning.

Bill Infante said he was gearing up to travel to the NWCCOG (Northwest Colorado Council of Governments) next Thursday.

**6. MANAGER'S REPORT**

Town Manager Ryan Mahoney received an email from Councilor Riffle who had received a letter from the Western Leaders Network. Ryan briefed the Council on their membership and mission. They are requesting elected officials and local communities sign on to a letter of support a statewide hydrocarbon emissions-reduction task force in their efforts to improve air quality, specifically those hydrocarbons released during oil and gas extraction. After speaking with CML and other managers, Ryan thought the issue sounded good at face value, but was hesitant to recommend signing on until after the 2019 legislative session, where there will be legislation forwarded on this issue. Ryan suggested the Town delay on the letter to see what comes out of the legislative sessions and make a decision on our participation later.

Jennifer Riffle noted that Eagle County Commissioner Jill Ryan had been appointed to Governor's Polis' cabinet and will be stepping down as Commissioner. Her replacement will be appointed by the Eagle County Democratic Party. They will be meeting at the Eagle County Community Building on January 30. This would be a good opportunity to meet the candidates.

**7. COUNCIL ACTIONS:**

**7A. Public Hearing and 1<sup>st</sup> Reading of Ordinance No. 01, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Granting Special Review Site Plan, Southside Reach II ESA Floodplain, and Community Housing Approvals for the Development of a Mixed Use Project on Lot S, Basalt Business Center South PUD, Also Known as 525 Basalt Avenue, Basalt, Colorado (LAAM 525, LLC Application) (Sara Nadolny)

Applicant representatives Glenn Rappaport, Yancy Nichol, Mark Chain and owner Patrick Keelty were present for this agenda item.

The Public Hearing was opened at 6:40 p.m. Citizens speaking this evening were:

John Fitzpatrick, Stephen Isberian, Gretta McKenney on behalf of Marty Schlumberger, Jillian Kops, Heather Isberian on behalf of Jim Jenkins.

The public hearing was closed at 6:55 p.m.

**M/S COUNCILORS SCHENDLER AND INFANTE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 01, SERIES OF 2019 ON FIRST READING AND CONTINUE AND SET THE PUBLIC HEARING AND SECOND READING FOR FEBRUARY 12, 2019.**

Gary Tennenbaum wanted to be sure Council would have discussion on the uses and discussion on the Category 1 and 2 uses prior to 2<sup>nd</sup> reading. Jennifer Riffle also asked that Category 2 rents be clarified.

**THE MOTION CARRIED 5-0.**

As Council was ahead of schedule and the applicants for 7B were not yet present, a motion was made to move to item 7C.

**M/S COUNCILORS TENNENBAUM AND SCHENDLER TO GO TO RESOLUTION NO. 2, SERIES OF 2019 (AGENDA ITEM 7C) AT THIS TIME. THE MOTION CARRIED 4-0.**  
(Councilor Riffle was out of the room at the time of the vote.)

**7C. Resolution No. 02, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Approving a Portion of the Funds Identified for Signage in the 2019 Town Budget to Design Entry Signs for the East and West Entrances to East Basalt and Asking the Basalt Chamber Sign Committee to Issue a Request for Proposals (James Lindt)

James Lindt discussed this item with Council.

**Council discussion:** Council member Bill Infante said that for a \$4,000 solicitation, you're going to consume more than that in staff time trying to pull the proposal together. In the interest of the de minimis nature of this, cut to the chase, ask Nick if he can do it for \$5,000. If he says yes, say "Nick we need 2 signs. Get them to us under these specifications, got to be consistent artistically, and they got to be less expensive than what you've produced in the past."

**M/S COUNCILORS INFANTE AND SCHENDLER TO APPROVE RESOLUTION NO. 02, SERIES OF 2019 WITH THE AMENDMENTS THAT STAFF ASK ACETO LANDSCAPE ARCHITECTS TO DESIGN 2 SIGNS FOR UNDER \$5,000; FAILING THAT, THE SIGN COMMITTEE IS TO PROCEED WITH AN RFP AND RETURN TO COUNCIL WITH A RECOMMENDATION. THE MOTION CARRIED 5-0**

**7B. Public Hearing and 1<sup>st</sup> Reading of Ordinance No. 04, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Granting Special Review Approval for a Medical Marijuana Center at 175 Midland Avenue, Unit 10, Basalt, Colorado (175 Midland Unit 10 LLC Application) (James Lindt)

Applicants Justin Streeb and Kale LaCroux were present with Assistant Planning Director James Lindt to discuss this item with Council. These conditions for this Special Review Approval are the same as those approved in 2015.

The Public Hearing was opened at 7:45 p.m. There were no public comments and the hearing was closed.

**M/S COUNCILORS SCHENDLER AND TENNENBAUM THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 04, SERIES OF 2019 ON FIRST READING, AND CONTINUE AND SET THE PUBLIC HEARING AND SECOND READING FOR FEBRUARY 12, 2019.**

Bill Infante asked the applicants about their business plan given the time that has passed since their original approvals. He also asked about their competition across the street.

**THE MOTION CARRIED 4-0-1 WITH COUNCIL MEMBER RIFFLE ABSTAINING.**

**7D. Affordable Housing Update for Council (Ryan Mahoney)**

Town Manager Ryan Mahoney thanked Finance Director Christy Hamrick and Public Works Coordinator Matt Wagner for their hard work in getting this information pulled together. The spreadsheet outlines the 19 Town-owned affordable housing units, the affordable housing line of credit, what the affordable housing program looks like in terms of time and expenses, etc. Christy Hamrick discussed the finance end of this issue with Council.

Council directed staff to adjust rents to the property category, and pursue what it would take to sell the Old Snowmass units. Ryan addressed the property rents noting that we cannot adjust mid-lease, and we may want to consider if there are town employees in these units; affordable housing can be used as a way to recruit and retain town employees.

**7E. Ordinance No. 05, Series of 2019:** A Ordinance of the Town Council of the Town of Basalt, Colorado Authorizing Borrowing on a Line of Credit for the Purpose of Purchasing Affordable Housing (Christy Hamrick)

Finance Director Christy Hamrick noted this was a continuance of our line of credit for 2019.

**M/S COUNCILSORS INFANTE AND SCHENDLER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 05, SERIES OF 2019 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR FEBRUARY 12, 2019. THE MOTION CARRIED 5-0.**

**7F. Public Hearing and Second Reading Ordinance No. 02, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Water Rate Charges Pursuant to Section 13-47 of the Town Code (Ryan Mahoney)

Town Manager Ryan Mahoney said this was the second reading of an ordinance that set the charges for water rates as adopted in the budget of 2018; basically a housekeeping issue.

**M/S COUNCILORS INFANTE AND TENNENBAUM THAT THE TOWN COUNCIL ADOPT ORDINANCE NO 02, SERIES OF 2019 ON SECOND READING. THE MOTION CARRIED 5-0.**

**7G. Public Hearing and Second Reading of Ordinance No. 03, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Amending Chapter 11, Article III (Excavations) of the Municipal Code to Enact an Additional Condition that may be Imposed on the Work Performed Under a Street Excavation Permit in Order to Promote Deployment of Telecommunication Resources (One-Dig) (Ryan Mahoney)

Town Manager Ryan Mahoney noted there were 2 items associated here: A Resolution that authorizes the execution of a Memorandum of Agreement between the Town and Cedar Networks concerning the installation of the shadow conduit, and the Ordinance that would modify the Town Code.

Mayor Whitsitt opened the public hearing at 8:20 p.m. There were not comments and the hearing was closed.

**M/S COUNCILORS RIFFLE AND TENNENBAUM THAT THE TOWN COUNCIL ADOPT ORDINANCE NO 03, SERIES OF 2019 ON SECOND READING. THE MOTION CARRIED 5-0.**

**7H. Resolution No. 01, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Approving and Authorizing the Execution of a Memorandum of Agreement with Cedar Networks Concerning the Donation and Installation of Shadow Conduit (Ryan Mahoney)

This is the Resolution that authorizes the execution of a Memorandum of Agreement between the Town of Basalt and Cedar Networks.

**M/S COIUNCILORS RIFFLE AND INFANTE THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 01, SERIES OF 2019. THE MOTION CARRIED 5-0.**

#### **8. MOTION TO ENTER EXECUTIVE SESSION**

**M/S COUNCKLORS SCHENDLER AND TENNENBAUM THA THE TOWN COUNCIL ENTER EXECUTIVE SESSION FOR A 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); MORE SPECIFICALLY TO DISCUSS TABOR RESTRICTIONS, AND MORE SPECIFICALLY TO DISCUSS THE TED GUY ET. AL. V. TOWN OF BASALT LAWSUIT. THE MOTION CARRIED 5-0.**

**Council entered Executive Session at 8:30 p.m.**

**Council adjourned their Executive Session at approximately 9:30 p.m.**

**9. INFORMATION AND CORRESPONDENCE:**

- 9A.** Accounts Payable;
- 9B.** Advanced Agendas;
- 9C.** Correspondence to the Town;
- 9D.** Sales Tax Update – December 2018

**10. MOTION TO ADJOURN**

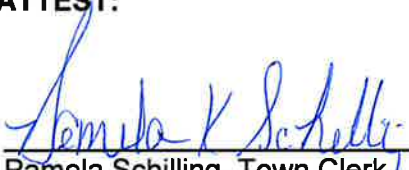
The Council adjourned the meeting at approximately 9:30 p.m.

The minutes of this January 22, 2019 meeting were read and approved this 12<sup>th</sup> day of February, 2019.

**BASALT TOWN COUNCIL:**

By:   
 Jacquie Whitsitt, Mayor

**ATTEST:**

  
 Pamela Schilling, Town Clerk



This meeting can be viewed in its entirety at:  
<https://townofbasalt.ompnetwork.org/sessions/97387?embedInPoint=1&embedOutPoint=8379&shareMethod=link>