



101 Midland Avenue, Basalt, CO 81621

Meeting Date: November 15, 2016
Location: Town Council Chambers

Time: 5:00 p.m.

TOWN COUNCIL MEETING AGENDA

5:00 PM Budget Worksession

6:00 Break

6:15 1. Call to Order (Mayor Whitsitt)

6:16 2. Roll Call (Pam Schilling)

6:18 3. Basalt Students of the Month (Mayor and Council)

6:28 4. Consent Agenda (Mayor Whitsitt)

4A. Minutes: i) September 27, 2016; ii) October 4, 2016; iii) October 11, 2016; iv) October 18, 2016; v) October 25, 2016

4B. Continue to December 13, 2016, the Public Hearing and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, amending Article V to Chapter 6, *Business Licenses and Regulations*, of the Municipal Code of the Town of Basalt, Colorado, amending the license requirements for retail marijuana stores and amending the license requirements for medical marijuana centers and facilities to address miscellaneous operating improvements

4C. Continue to December 13, 2016, the Public Hearing and First Reading of Ordinance No. 30, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, amending Article V to Chapter 6, *Business Licenses and Regulations*, of the Municipal Code of the Town of Basalt, Colorado, amending the license requirements for retail marijuana stores and amending the license requirements for medical marijuana centers and facilities to amend the marijuana buffer requirements

(Note – Staff separated Ordinance No. 25, Series of 2016 into two ordinances for the Council’s consideration which created a new Ordinance No. 30)

Motion to Consider:

Mayor, I move that the Town Council approve the Consent Agenda as published Item 4 A through 4C.

6:35 5. Council Comments, Reports, Disclosures and Other reports

5A. Council follow up discussion from November 8 Election

5B. Council Comments

7:00 6. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda After the Deadline

7:15 7. SECOND READING OF ORDINANCES:

7A. Public Hearing and Second Reading of Ordinance No. 29, Series of 2016 An Ordinance of the Town Council of Basalt, Colorado, Approving Special Review for an Accessory Dwelling Unit (ADU) at 132 W. Sopris Drive, Basalt, Colorado (Sheeley Application) (James Lindt)

Motion to Consider:

Mayor, I move that the Town Council Adopt Ordinance No. 29, Series 2016 on Second Reading.

7:20 8. Public Hearing

8A. Public Hearing on a New Liquor License for the Element Hotel – Willits Block 12 – for the Element Basalt-Aspen – 499 Market Street, Basalt (Pam Schilling)

Motion to Consider:

Mayor, I move that the Town Council approve the new Lodging and Entertainment Liquor License for the Element Basalt-Aspen (Hotel), 499 Market Street, Basalt, Colorado

8B. Public Hearing for the Renewal of Roots RX Retail Marijuana License (Pam Schilling)

Motion to Consider:

Mayor, I move that the Town Council Approve Renewal of the Roots Rx Retail Marijuana License for 11/17/16 through 11/17/17

7:30 9. ITEMS FOR COUNCIL CONSIDERATION

9A. Development Agreement between the Town of Basalt and Willits Town Center LLC for the Contribution of Funds for the Affordable Housing Constructed Pursuant to Ordinance No. 11, Series of 2014 (Susan Philp)

Motion to Consider

Mayor I move that the Town Council approve the Development Agreement subject to Final Approval by the Town Attorney

9B. Professional Services Agreement with Loris and Associates related to Traffic Calming on East Valley Road

Motion to Consider

Mayor I move that the Town Council approve the professional services agreement subject to Final Approval by the Town Attorney with the work to be performed in 2017 dependent upon inclusion in the 2017 Town of Basalt Budget

7:50 10. FIRST READINGS OF ORDINANCES:

10A. Continued Public Hearing and First Reading of Ordinance No. 26, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Reinstating and Amending the 2009 Stott's Mill Development Approvals for the Single-Family Portion of the Stott's Mill Development, Including up to 61 Dwelling Units, A Public Facility/Daycare, and the Dedication and Improvements of Rights-of-Way and Parks on the Single-Family Portion of the Stott's Mill Property and Granting Sketch Site Plan Approval for the Multi-Family Portion of the Development Up to 96 Additional Dwelling Units, Together with Extending and Increasing the Corporate Limits of the Town of Basalt and Providing Initial Town Zoning for the Single-Family Portion of the Stott's Mill Development (James Lindt)

Motion to Consider:

If the Council believes that the 156-unit plan proposed in the application is appropriate, the Council could approve Ordinance No. 26, Series of 2016 on First Reading and continue and set the Public Hearing and Second Reading for December 13, 2016.

Alternatively, the Council could continue the Public Hearing and First Reading to December 13, 2016

11. INFORMATION AND CORRESPONDENCE:

NO ACTION REQUIRED BY THE TOWN COUNCIL

- a. Accounts Payable
- b. Advanced Agendas
- c. Correspondence to the Town
- d. Amended Budget Request – Basalt Childcare Coalition

12. ADJOURNMENT

Motion to Consider:

Mayor, I move that the Town Council adjourn the meeting.

Memorandum

TO: Mayor Whitsitt and Town Council
FROM: Pamela Schilling, Town Clerk
DATE: November 15, 2016
RE: Student Citizens of the Month – for November 2016

We are pleased to acknowledge the Student Citizens of the Month from the Basalt public schools. The awards are based on the Six Pillars of Character.

November: Respect

- Treat others with respect; follow the Golden Rule.
 - Be tolerant of differences.
 - Use good manners, not bad language.
 - Be considerate of the feelings of others.
 - Do not threaten, hit, or hurt anyone.
 - Deal peacefully with anger, insults and disagreements.
-

November's Student Citizens are:**BASALT ELEMENTARY:**

Dayana Garcia and Erik Palomares

BASALT MIDDLE SCHOOL:

Grace Schrock and Rulbe Alvarado

BASALT HIGH SCHOOL:

America Ceja and Trevor Reuss

We are also honored to have two students from October who were previously unable to attend:

Jeysie Navarrete, Basalt Elementary, for the pillar of Trustworthiness.
Andie Montes, Basalt High School, for the pillar of Trustworthiness.



BASALT

101 Midland Avenue, Basalt, CO 81621

Meeting Date: September 27, 2016

Location: Town Council Chambers

BASALT TOWN COUNCIL MEETING MINUTES

Worksessions

- ~~SGM Southside Traffic Study~~
- Green Team Projects
- Observations from Town Consultant on Town Manager Search
- Meeting and Discussion with Interim Manager Candidate

1. Call to Order (Mayor Whitsitt)

The regular meeting of the Basalt Town Council was called to order at 6:25 on Tuesday, September 27, 2016 by Mayor Jacque Whitsitt.

2. Roll Call (Pam Schilling)

Council members present were Jennifer Riffle, Mark Kittle, Gary Tennenbaum, Katie Schwoerer, Bernie Grauer and Auden Schendler.

Executive Session: For the purposes of discussing personnel matters in accordance with C.R.S. 24.6.402(4)(f); specifically related to Interim Town Manager Candidate Ron Miller

M/S COUNCILORS RIFFLE AND KITTLE TO ENTER EXECUTIVE SESSION AT 6:25 PM FOR DISCUSSION OF PERSONNEL MATTERS IN ACCORDANCE WITH CRS 24-6-402(4)(f); SPECIFICALLY RELATED TO INTERIM TOWN MANAGER CANDIDATE RON MILLER. THE MOTION CARRIED 7-0.

Break

M/S COUNCILORS SCHWOERER AND KITTLE TO CONTINUE ITEM 9A(STOTT'S MILL) TO OCTOBER 11, 2 016. THE MOTION CARRIED 7-0.

3. Consent Agenda (Mayor Whitsitt)

Councilor Tennenbaum recused himself from this discussion as item 3C related to his work with Pitkin County Open Space and Trails.

3A. Minutes: i) August 30, 2016; ii) September 6, 2016; iii) September 13, 2016

3B. Resolution No. 38, Series of 2016: A Resolution of the Town of Basalt, Colorado, Taking a Position of Advocacy Regarding Ballot Issue 4A of the Basalt Regional Library District

3C. Resolution No. 39, Series of 2016: A Resolution of the Town of Basalt, Colorado, Expressing Support for Pitkin County's Open Space and Trails Ballot Questions

M/S COUNCILORS GRAUER AND RIFFLE TO APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. THE MOTION CARRIED 6-0.

4. Council Comments, Reports, Disclosures

4A. Council Comments

Councilor Riffle reported on a down payment assistance program out of Eagle County that was helping a Town of Basalt employee. She also reported on the Basalt Affordable Community Housing Regional Meeting held this past Thursday with Eagle and Pitkin counties, the Aspen Skiing Company, RFTA, RE-1 School District to work with reciprocity in the areas of transportation, child care, housing, etc.

Mayor Whitsitt polled Council and determined that the regular meeting of October 11 should have no items after 6 pm due to Yom Kippur, and that the regular agenda would be moved to a special meeting on October 18.

5. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda After the Deadline

Public Comments were made by citizens David Schoenberger, Norm Clasen, Leonoard Lutomiski, Rick Stevens, Herschel Ross and StatE Representative Diane Mitsch Bush.

6. ITEMS FOR COUNCIL CONSIDERATION

6A. Council Consideration of Appointment of Interim Town Manager

Mayor Whitsitt opened the floor to public comments. There were none.

M/S COUNCILORS GRAUER AND SCHENDLER THAT THE TOWN COUNCIL APPROVE THE APPOINTMENT OF RON MILLER AS THE INTERIM TOWN MANAGER. THE MOTION CARRIED 7-0.

6B. Council Consideration to Suspend the Employee Loan Program per the recommendation of the Finance Committee.

M/S COUNCILORS GRAUER AND RIFFLE THAT THE TOWN COUNCIL SUSPEND THE EMPLOYEE LOAN PROGRAM PER THE RECOMMENDATION OF THE FINANCE COMMITTEE. THE MOTION CARRIED 7-0.

6:50 7. SECOND READING OF ORDINANCES

7A. Public Hearing and Second Reading of Ordinance No. 21, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to

Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Amending the Community Serving Commercial (CSC) Zone District, Adding and Revising Definitions and Other Changes to Chapter 16, Zoning, In Order to Implement the Our Town Planning Master Plan Amendment (Susan Philp)

M/S COUNCILORS TENNENBAUM AND SCHENDLER TO APPROVE ORDINANCE NO. 21, SERIES OF 2016 ON SECOND READING. THE MOTION CARRIED 7-0.

8. RESOLUTIONS

8A. Resolution No. 40, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Approving a Pre-Application Agreement with Habitat for Humanity Regarding the Habitat for Humanity/RE-1 School District Housing Proposal on the Basalt High School Property (James Lindt)

M/S COUNCILORS TENNENBAUM AND KITTLE THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 40, SERIES OF 2016. THE MOTION CARRIED 7-0.

8B. Resolution No. 41, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Approving a Process for The Arts Campus at Willits to Develop an Arts Campus on the Town-Owned Property Known as the Willits Performing Arts Parcel. (Susan Philp)

M/S COUNCILORS GRAUER AND SCHENDLER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 41, SERIES OF 2016. THE MOTION CARRIED 6-0-1 WITH COUNCIL MEMBER SCHWOERER OPPOSED.

8C. Resolution No. 42, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Supporting the Passage of Ballot Issues 2F and 2G. (Susan Philp)

M/S COUNCILORS GRAUER AND SCHWOERER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 42, SERIES OF 2016, AS AMENDED. THE MOTION CARRIED 5 TO 2 WITH COUNCILORS KITTLE AND SCHENDLER OPPOSED.

9. FIRST READINGS OF ORDINANCES:

(Item 9A was continued to October 11, 2016 by a motion made just prior to the opening of the consent agenda earlier this evening.)

9A. Public Hearing First Reading of Ordinance No. 26, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Reinstating and Amending the 2009 Stott's Mill Development Approvals for the Single-Family Portion of the Stott's Mill Development, Including up to 61 Dwelling Units, A Public Facility/Daycare, and the Dedication and Improvements of Rights-of-Way and Parks on the Single-Family Portion of the Stott's Mill Property and Granting Sketch Site Plan Approval for the Multi-Family Portion of the Development Up to 96 Additional Dwelling Units, Together with Extending and Increasing the Corporate Limits of the Town of Basalt and Providing Initial Town Zoning for the Single-Family Portion of the Stott's Mill Development (James Lindt)

9B. First Reading of Ordinance No. 27, Series 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Repealing and Re-Adopting Section 18-41, Adoption of the IECC

by References in Chapter 18, Building Regulations, of the Municipal Code of the Town of Basalt, Colorado, and Adopting by Reference the 2015 Edition of the International Energy Conservation Code (Jim Wilson)

M/S COUNCILORS TENNENBAUM AND KITTLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 28, SERIES OF 2016 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR OCTOBER 25, 2016. THE MOTION CARRIED 7-0.

9C. First Reading of Ordinance No. 28, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Approving Amendments to the Municipal Code of the Town Basalt, Colorado, Amending Chapter 7, Health, Sanitation, and Animals by Creating a New Article Entitled Recycling and Waste Reduction; and Amending the Town’s Fee Schedule (James Lindt)

M/S COUNCILORS TENNENBAUM AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 28, SERIES OF 2016 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR OCTOBER 11, 2016. THE MOTION CARRIED 7-0.

10. INFORMATION AND CORRESPONDENCE:
NO ACTION REQUIRED BY THE TOWN COUNCIL

- A. Accounts Payable
- B. Advanced Agendas
- C. Correspondence to the Town

11. ADJOURNMENT

M/S COUNCILORS TENNENBAUM AND KITTLE TO ADJOURN THE MEETING AT 9:24 PM. THE MOTION CARRIED 7-0.

The minutes of this September 27, 2016 meeting were read and approved by Council on November 15, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Pamela Schilling, Town Clerk

The full meeting can be viewed at:
http://basalt.ompnetwork.org/shows/basalt-council-meeting-092716?iframe_mode=true



101 Midland Avenue, Basalt, CO 81621

Meeting Date: Tuesday, October 4, 2016
Time: 6:00 p.m.
Location: Town Council Chambers

BASALT TOWN COUNCIL SPECIAL MEETING MINUTES

1. Call to Order

A special meeting of the Basalt Town Council was called to order on Tuesday, October 4, 2016 at 6:00 pm.

2. Roll Call

Council members present were Auden Schendler, Mark Kittle, Bernie Grauer, Jennifer Riffle and Katie Schwoerer. Gary Tennenbaum was absent.

3. Council Comments

4. Council discussion of Darnauer contract (Public Comments will be taken)

Public Comments were made by Ted Guy, David Schoenberger, Mark Kwiecienski, Rick Stevens and Laura Clasen.

M/S COUNCILORS GRAUER AND RIFFLE THAT THE TOWN COUNCIL APPROVE THE DARNAUER CONTRACT WITH AMENDMENTS AS ENUMERATED BY TOWN ATTORNEY TOM SMITH. THE MOTION CARRIED 6-0.

6:30 Adjourn

The minutes of this October 4, 2016 meeting were read and approved by Council on November 15, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Pamela Schilling, Town Clerk

The full meeting can be viewed at:
http://basalt.ompnetwork.org/shows/basalt-council-special-meeting-100416?iframe_mode=true



101 Midland Avenue, Basalt, CO 81621

Meeting Date: October 11, 2016
Location: Town Council Chambers
Time: 3:00 pm

BASALT TOWN COUNCIL MEETING MINUTES

3:00 PM Budget Workession

5:45 Break

1. Call to Order (Mayor Whitsitt)

The meeting of the Basalt Town Council was called to order by Mayor Jacque Whitsitt at 6:03 pm on Tuesday, October 11, 2016.

2. Roll Call (Susan Philp)

Council members present were Katie Schwoerer, Auden Schendler, Jennifer Riffle and Bernie Grauer. Council members Gary Tennenbaum and Mark Kittle were absent.

3. Consent Agenda (Mayor Whitsitt)

- 3A.** Aspen Skiing Company Temporary Closure of Parking Spaces on Two Rivers Road (James Lindt)
- 3B.** Aspen Valley Ski Club Ski Swap Temporary Closure of Harris Street and Robinson Street (James Lindt)

M/S COUNCILORS SCHWOERER AND RIFFLE THAT THE COUNCIL APPROVE THE CONSENT AGENDA AS PUBLISHED. THE MOTION CARRIED 5-0.

4. Citizen Comments for Items Not on the Agenda: Citizen Comments will be taken at the Council's October 18th meeting. Comments will not be taken at this meeting.

5. CONSIDERATION OF ORDINANCES:

Jennifer Riffle recused herself from discussion of items 5A and 5B related to marijuana and left the meeting.

Agenda items 5A and 5B were discussed and considered together.

5A. Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores (James Lindt)

5B. Public Hearing and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities (James Lindt)

After a presentation by staff, Mayor Whitsitt opened the public hearing on its 5A and 5B (Ordinances 24 and 25, Series of 2016) at 6:15 pm.

Public speaking to this issue were: Norm Clasen, Laura Clasen, Jack Pease and Rob Holmes.

The public hearing was closed at 6:40 pm.

M/S COUNCILORS SCHWOERER AND MAYOR WHITSITT TO CONTINUE ORDINANCE 24, SERIES OF 2016, AND ORDINANCE 25, SERIES OF 2016 TO THE OCTOBER 18, COUNCIL MEETING. THE MOTION CARRIED 3-1 WITH COUNCILOR AUDEN SCHENDLER OPPOSED.

6. INFORMATION AND CORRESPONDENCE:
NO ACTION REQUIRED BY THE TOWN COUNCIL

- a. Accounts Payable
- b. Advanced Agendas

7. ADJOURNMENT

M/S COUNCILORS SCHENDLER AND SCHWOERER TO ADJOURN THE MEETING. THE MOTION CARRIED 4-0.

The meeting adjourned at approximately 6:45 pm.

The minutes of this October 11, 2016 meeting were read and approved by Council on November 15, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Susan Philp, Planning Director

The full meeting can be viewed at:
http://basalt.ompnetwork.org/shows/basalt-council-meeting-101116?iframe_mode=true



101 Midland Avenue, Basalt, CO 81621

Meeting Date: October 18, 2016
Location: Town Council Chambers

BASALT TOWN COUNCIL MEETING MINUTES

1. Call to Order (Mayor Whitsitt)

The meeting of the Basalt Town Council was called to order at 6:07 pm on Tuesday, October 4 18, 2016 by Mayor Jacque Whitsitt.

2. Roll Call (Pam Schilling)

Council members present were Auden Schendler, Mark Kittle, Bernie Grauer, Gary Tennenbaum, Katie Schwoerer and Jennifer Riffle.

Consent Agenda (Mayor Whitsitt)

3A. Approve Resolution No. 43, Series of 2016: Authorizing an Intergovernmental Agreement Concerning Authorization for Law Enforcement Services within Unincorporated Eagle County, The Town of Gypsum and the Town of Minturn.

3B. Continue to October 25, 2016 Public Hearing and Second Reading of Ordinance No. 27, Series 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Repealing and Re-Adopting Section 18-41, Adoption of the IECC by References in Chapter 18, Building Regulations, of the Municipal Code of the Town of Basalt, Colorado, and Adopting by Reference the 2015 Edition of the International Energy Conservation Code

3C. Ratify Appointment: Karen Barch to the Basalt Regional Library as the Town of Basalt Representative as recommended by the committee made of a representative each of Pitkin County, Eagle County and Town of Basalt.

M/S COUNCILORS RIFFLE AND TENNENBAUM THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA ITEMS AS PUBLISHED. THE MOTION CARRIED 7-0.

4. Council Comments, Reports, Disclosures and Other Reports

Katie Schwoerer asked about the leash law in Basalt and asked for future council discussion on the issue.

Bernie Grauer spoke about two Basalt issues on the ballot of the November 8 election. Bernie said there had been enough for and against arguments to make him change his official position from one of support to that of being neutral.

4A. Janice Vos Caudill, Pitkin County Clerk and Recorder – Elections Information

Janice Vos Caudill spoke to the council and citizens explaining both Eagle and Pitkin election information, how to track your ballot (Pitkin residents), where to vote, where to find additional election information, and the new ballot drop box behind Basalt town hall.

5. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda After the Deadline

Citizens speaking before Council this evening were Chris Lane, John Perko, Lee Reed and Lynne Mace.

FIRST READINGS OF ORDINANCES:

6A. Public Hearing First Reading of Ordinance No. 26, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Reinstating and Amending the 2009 Stott's Mill Development Approvals for the Single-Family Portion of the Stott's Mill Development, Including up to 61 Dwelling Units, A Public Facility/Daycare, and the Dedication and Improvements of Rights-of-Way and Parks on the Single-Family Portion of the Stott's Mill Property and Granting Sketch Site Plan Approval for the Multi-Family Portion of the Development Up to 96 Additional Dwelling Units, Together with Extending and Increasing the Corporate Limits of the Town of Basalt and Providing Initial Town Zoning for the Single-Family Portion of the Stott's Mill Development

Assistant Planning Director James Lindt led the discussion. Applicant representatives Briston Peterson, Lee Barger of SGM, Yancy Nichol and Mark Chain were present to discuss this application with Council and the public.

Mayor Whatsitt opened the public hearing at 7:30 pm. Citizens speaking to this issue were: Edward Troy, Diana Elliott, Dane Elliott, Monse Soto, Rodrigo Perez, Connor Hoffman, Mari Elliott, Kerry Wirth, Ted Bristol, Jennifer Given, and Renee Fleischer.

The public hearing was closed at 7:45 pm.

M/S COUNCILORS GRAUER AND SCHWOERER THAT THE TOWN COUNCIL CONTINUE THE FIRST READING AND PUBLIC HEARING TO THE OCTOBER 25, 2016 MEETING. THE MOTION CARRIED 7-0. (Note: the item may be placed on the consent agenda of the 10/25/16 meeting for further continuance and to allow the applicant and staff to gather the additional information requested at this meeting.)

Councilperson Jennifer Riffle has recused herself from discussion of the following items 7A and 7B.

7A. Public Hearing and Second Reading of Ordinance No. 24, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 16, Zoning, of the Municipal Code of the Town of Basalt, Colorado, Primarily Concerning Marijuana Stores (James Lindt)

7B. Public Hearing and First Reading of Ordinance No. 25, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Amending Article V of Chapter 6, Business Licenses and Regulations, of the Municipal Code of the Town of Basalt, Colorado, Amending License Requirements for Retail Marijuana Stores and Amending the License Requirements for Medical Marijuana Centers and Facilities (James Lindt)

Assistant Planning Director James Lindt led discussion of this item.

The public hearing was opened at 8:27 pm. Citizens speaking at this hearing were: Norm Clasen, Joe Ciri, David Schoenberger, Rick Hayes, Edward Troy, Margot Hampleman, Dan Sadowsky, Richard Hampleman, Rob Holmes and Jim Finch.

The public hearing was closed at 9:07 pm.

7A – Motion: M/S COUNCILORS KITTLE AND GRAUER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 24, SERIES OF 2016 ON SECOND READING. THE MOTION CARRIED 5-1 WITH COUNCIL MEMBER KATIE SCHWOERER OPPOSED.

7B Motion: M/S COUNCILORS KITTLE AND GRAUER TO APPROVE ON FIRST READING ORDINANCE NO. 25, SERIES OF 2016 WITH THE AMENDMENT TO REDUCE THE PARK BUFFERS TO 200 FEET.

Council discussion followed.

THE MOTION FAILED 3-3 WITH COUNCIL MEMBERS TENNENBAUM, SCHWOERER AND MAYOR WHITSITT OPPOSED.

7B Motion: M/S COUNCILORS SCHENDLER AND KITTLE TO APPROVE ON FIRST READING ORDINANCE NO. 25, SERIES OF 2016. CONTINUE THE PUBLIC PROCESS WITH THE SECOND READING ON OCTOBER 25, AND INCLUDE THE AMENDMENT TO REDUCE THE PARK BUFFERS TO 200 FEET.

THE MOTION FAILED 3-3 WITH COUNCIL MEMBERS TENNENBAUM, SCHWOERER AND MAYOR WHITSITT OPPOSED.

7B Motion (Final): M/S COUNCILORS GRAUER AND KITTLE TO CONTINUE THE FIRST READING ON ORDINANCE NO. 25, SERIES OF 2016, WITHOUT PREJUDICE TO THE 200 FOOT BUFFERS, TO THE NOVEMBER 15, 2016 MEETING.

Council discussion followed. Bernier Grauer asked that staff return with graphic representations of the 200 foot buffers throughout town.

THE MOTION CARRIED 5-1 WITH COUNCIL MEMBER AUDEN SCHENDLER OPPOSED.

Council member Kittle left the meeting at this time. Council member Jennifer Riffle rejoined the council meeting at this time.

SECOND READING OF ORDINANCE:

8A. Public Hearing and Second Reading of Ordinance No. 28, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Approving Amendments to the Municipal Code of the Town Basalt, Colorado, Amending Chapter 7, Health, Sanitation, and Animals by

Creating a New Article Entitled Recycling and Waste Reduction; and Amending the Town's Fee Schedule (James Lindt)

Mayor Whitsitt opened the public hearing at 9:44 pm. There were no public comments and the hearing was closed.

M/S COUNCILORS SCHENDLER AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 28, SERIES OF 2016 ON SECOND READING, INCLUDING THE AUDITING PIECE BEING ADDED – SECTION 7-187(b). THE MOTION CARRIED 6-0.

9. EXECUTIVE SESSION:

M/S COUNCILORS SCHENDLER AND RIFFLE THAT THE TOWN COUNCIL ENTER EXECUTIVE SESSION FOR A CONFERENCE WITH OUR ATTORNEYS FOR THE PURPOSE OF PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS AND RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(B) SPECIFICALLY THE EAGLE COUNTY DISTRICT COURT CASE GUY V. WHITSITT. THE MOTION CARRIED 7-0.

Council entered Executive Session at 9:45 pm.

M/S COUNCILORS RIFFLE AND TENNENBAUM TO ADJOURN THE EXECUTIVE SESSION AND RECONVENE THE COUNCIL MEETING AT 10:10 PM.

10. INFORMATION AND CORRESPONDENCE:
NO ACTION REQUIRED BY THE TOWN COUNCIL

a. Advanced Agendas

ADJOURNMENT

11. M/S COUNCILORS RIFFLE AND TENNENBAUM THAT THE TOWN COUNCIL ADJOURN THE MEETING AT 10:11 P.M.

The minutes of this October 18, 2016 meeting were read and approved by Council on November 15, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Susan Philp, Planning Director

The full meeting can be viewed at:
http://basalt.ompnetwork.org/shows/basalt-council-meeting-101816?iframe_mode=true



BASALT

101 Midland Avenue, Basalt, CO 81621

Meeting Date: October 25, 2016

Location: Town Council Chambers

TOWN COUNCIL MEETING MINUTES

1. Call to Order

Mayor Jacque Whitsitt was absent. Mayor Pro tem Gary Tennenbaum presided over the meeting.

2. Roll Call (Pam Schilling)

Council members present were Jennifer Riffle, Auden Schendler, Katie Schwoerer, Bernie Grauer and Mark Kittle.

Consent Agenda

3A. Continue to November 15, 2016, Public Hearing First Reading of Ordinance No. 26, Series 2016: An Ordinance of the Town Council of Basalt, Colorado, Reinstating and Amending the 2009 Stott's Mill Development Approvals for the Single-Family Portion of the Stott's Mill Development, Including up to 61 Dwelling Units, A Public Facility/Daycare, and the Dedication and Improvements of Rights-of-Way and Parks on the Single-Family Portion of the Stott's Mill Property and Granting Sketch Site Plan Approval for the Multi-Family Portion of the Development Up to 96 Additional Dwelling Units, Together with Extending and Increasing the Corporate Limits of the Town of Basalt and Providing Initial Town Zoning for the Single-Family Portion of the Stott's Mill Development (James Lindt)

3B. Resolution No. 44, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Authorizing the Town of Basalt to Enter Into a Service Agreement for Electronic Banking Services with Alpine Bank (Judi Tippetts)

3C. Authorize Mayor to Sign Letter of Support for Art Base's Community Mural Project at the Willits Underpass (Genna Moe or Hannah Condon)

M/S COUNCILORS GRAUER AND KITTLE THAT THE TOWN COUNCIL APPROVE CONSENT AGENDA ITEMS 3A THROUGH 3C. THE MOTION CARRIED 6-0.

4. Citizen Comments: for Items Not on the Agenda and Items Added to the Agenda after the Deadline

Ted Guy spoke first under Citizen Comments. The order of items on the agenda was then changed to allow the Student Citizens of the Month to be recognized before the completion of citizen comments.

5. Added: Basalt Students of the Month – October

Student Citizens for the month of October - Pillar of Character – Trustworthiness: Be honest; Don't deceive, cheat, or steal; Be reliable—do what you say you'll do; Have the courage to do the right thing; Build a good reputation; Be loyal—stand by your family and friends.

For Basalt Elementary: Liz Revilla and Jeysie Navarrete

For Basalt Middle School: Jefferson Guevara Guzman and Tashi Jackson

For Basalt High School: Andie Montes and Benjamin Koski

Council continued with Citizen Comments:

Don Erdman

Ken Ransford

Lynne Mace

David Schoenberger

John Masters – Grassroots

Council Comments, Reports, Disclosures

5A. Council Comments None

5B. Underpass Update – GR Fielding, Resident Engineer

ITEMS FOR COUNCIL CONSIDERATION

6A. Art Base Presentation of Expansion Ideas (Susan Philp)

Art Base representatives Bill Kane, Genna Moe, Gino Rossetti, Kathy Honea, Tina Shaw, and Tim Belinkski were present.

A PowerPoint presentation of expansion ideas for the Art Base was made to Council.

6B. Basalt Public Arts Commission – Status of Jury Process to Select Artist for 2017 Public Arts Installation (Susan Philp)

Julia Novy of the BPAC was present with a Powerpoint presentation of the art pieces and discussion of the Demiurge proposal.

M/S COUNCILORS GRAUER AND SCHENDLER THAT THE TOWN COUNCIL RATIFY THE BASALT PUBLIC ART COUNCIL'S SELECTION OF 'DEMIURGE' TO REPURPOSE ART SCULPTURES FOR PLACEMENT THROUGHOUT TOWN AND AUTHORIZE THE TOWN MANAGER TO ENTER INTO A CONTRACT AS APPROVED BY THE BASALT TOWN ATTORNEY WITH THE SELECTED ARTIST, SUBJECT TO FINAL BUDGET APPROPRIATION.

6C. Development Agreement between the Town of Basalt and Willits Town Center LLC for the Contribution of Funds for the Affordable Housing Constructed Pursuant to Ordinance No. 11, Series of 2014 (Susan Philp)

Tim Belinski was present to discuss this item with Council.

M/S COUNCILORS GRAUER AND RIFFLE THAT THE TOWN COUNCIL CONTINUE THE DISCUSSION OF THE CONTRIBUTION OF FUNDS FOR AFFORDABLE HOUSING TO THE NOVEMBER 15 COUNCIL MEETING. THE MOTION CARRIED 6-0.

6D. Consideration of Referral Comments to Eagle County Regarding the Fields Subdivision and the Valley Road/Highway 82 Intersection West of City Market (James Lindt)

Assistant Planning Director James Lindt James Lindt and Keith Ehlers representing the applicant group led this discussion.

M/S COUNCILORS SCHENDLER AND RIFFLE THAT THE TOWN COUNCIL DIRECT STAFF TO TRANSMIT THE REFERRAL COMMENTS TO EAGLE COUNTY, WITH THE AMENDMENTS REGARDING CONVERSATIONS WITH EAGLE COUNTY CONCERNING ZONING IN THIS AREA. THE MOTION CARRIED 6-0.

SECOND READING OF ORDINANCES:

7A. Public Hearing and Second Reading of Ordinance No. 27, Series 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Repealing and Re-Adopting Section 18-41, Adoption of the IECC by References in Chapter 18, Building Regulations, of the Municipal Code of the Town of Basalt, Colorado, and Adopting by Reference the 2015 Edition of the International Energy Conservation Code (Jim Wilson)

Jim Wilson, Chief Building Official was present to discuss this item with Council. There were no changes from first reading.

Mayor Pro tem Tennenbaum opened the public hearing at 9:20 pm. There were no public comments and the hearing was closed.

M/S COUNCILORS RIFFLE AND SCHENDLER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 27, SERIES OF 2016, AS PRESENTED. THE MOTION CARRIED 6-0.

RESOLUTIONS

8A. Resolution No. 45, Series of 2016: Approving a Special Event Request by Toni Kronberg to have a pumpkin patch on the Basalt River Park Property (James Lindt)

M/S COUNCILORS KITTLE AND GRAUER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 45, SERIES OF 2016. THE MOTION CARRIED 6-0.

8:25 9. FIRST READING OF ORDINANCES:

9A. Public Hearing and First Reading of Ordinance No. 29, Series of 2016 An Ordinance of the Town Council of Basalt, Colorado, Approving Special Review for an Accessory

Dwelling Unit (ADU) at 132 W. Sopris Drive, Basalt, Colorado (Sheeley Application) (James Lindt)

James Lindt and applicant Courtney Sheeley were present for the application hearing.

Mayor Pro tem Tennenbaum opened the public hearing at 9:29 pm. There were no public comments and the hearing was closed.

M/S COUNCILORS KITTLE AND SCHENDLER TO APPROVE ORDINANCE NO. 29, SERIES OF 2016 AN ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, APPROVING SPECIAL REVIEW FOR AN ACCESSORY DWELLING UNIT (ADU) AT 132 W. SOPRIS DRIVE, BASALT, COLORADO (SHEELEY APPLICATION); AND SET THE PUBLIC HEARING AND SECOND READING FOR NOVEMBER 15, 2016. THE MOTION CARRIED 6-0.

INFORMATION AND CORRESPONDENCE:

NO ACTION REQUIRED BY THE TOWN COUNCIL

- A. Accounts Payable
- B. Advanced Agendas
- C. Correspondence to the Town
- D. Town Clerk Administrative Liquor Actions

11. ADJOURNMENT: The Town Council adjourn the meeting at approximately 9:33 pm.

The minutes of this October 25, 2016 meeting were read and approved by Council on November 15, 2016.

BASALT TOWN COUNCIL:

ATTEST:

By: _____
Jacque Whitsitt, Mayor

Pamela Schilling, Town Clerk

This meeting can be viewed in its entirety at:
http://basalt.ompnetwork.org/shows/basalt-council-meeting-102516?iframe_mode=true

TOWN OF BASALT
Action Item

Date: November 15, 2016
From: James Lindt AICP, Assistant
Planning Director

SUBJECT: Public Hearing and Second Reading of Ordinance No. 29, Series of 2016- approving a Special Review for the Property at 132 W. Sopris Drive to convert an accessory building into an Accessory Dwelling Unit (ADU).

RECOMMENDATION: Staff recommends that the Council approve the ordinance on second reading.

DETAILS: The Applicant, Courtney Sheeley, has requested Special Review approval to convert an accessory building at 132 W. Sopris Drive into an ADU. Specifically, the Applicant propose to convert an existing storage building adjacent to the property line abutting Sopris Drive into an ADU of approximately 750 square feet.

The property is located at the corner of West Sopris Drive before it dives down the hill towards the Town Shop Annex and Homestead Drive. The Property is accessed from W. Sopris Drive. A majority of the discussion at the P&Z level focused around compliance with the R-3 TN Zone District requirements and construction management and parking to ensure that impacts on the neighbors are minimized. There are several conditions of approval included in the draft ordinance geared towards these items.

The property meets the minimum size requirements for an ADU in the R-3 TN Zone District and there are several other ADUs in the immediate vicinity. Staff feels that the proposal is consistent with the Towns' Master Plan objectives related to "promoting policies and locations appropriate for accessory dwelling units to be integrated into existing neighborhoods".

The Town Council approved the ordinance on first reading and there have not been any changes since first reading.

RECOMMENDATIONS FROM OTHER BOARDS: The P&Z recommended approval with the conditions included in the draft ordinance.

RELATED TOWN STATUTE AND TOWN ACTIONS: Town Code Section 16-27, *Supplemental Requirements for R-3 Traditional Neighborhood/Hill District*; Town Code Article III, Chapter 16, *Special Review Application Requirements and Procedures*; 2007 Basalt Master Plan

ATTACHMENTS: A) Draft Ordinance No. 29, Series of 2016

Items included in the October 25th Packet: Vicinity Map, Application, P&Z Memo

**Town of Basalt, Colorado
Ordinance No. 29
Series of 2016**

ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO, GRANTING SPECIAL REVIEW APPROVAL FOR AN ACCESSORY DWELLING UNIT (ADU) AND CONFIRMING THE SETBACKS AT 132 W. SOPRIS DRIVE, BASALT, COLORADO (SHEELEY APPLICATION)

RECITALS

- A. Courtney Sheeley ("Applicant") filed an Application ("Application") for Special Review to add an Accessory Dwelling Unit at 132 W. Sopris Drive.
- B. At the public hearing held on September 20, 2016, the Town Planning and Zoning Commission heard evidence and testimony by Town Staff, the Applicant, and members of the public and recommended approval of the Application.
- C. At a public hearing held on October 25, 2016, the Town Council considered the Application on first reading and set a public hearing and second reading for this ordinance for November 15, 2016 at a meeting beginning no earlier than 6:00 p.m. at Basalt Town Hall, 101 Midland Ave., Basalt, Colorado.
- D. At a public hearing and second reading on November 15, 2016, the Town Council heard evidence and testimony by Town Staff, the Applicant, and members of the public.
- E. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code and Town Master Plan, provided the Applicant adheres to the conditions identified in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

A. FINDINGS

- 1. Based on the evidence, testimony, exhibits, and comments from the public, the Applicants and Town Staff, the Town Council finds and determines in accordance with the Town Code, as follows:

a. The Town Council incorporates the above recitals, the representations of the Applicant, and all exhibits as findings and determinations, and conclusively makes all of the findings of fact, determinations and conditions contained herein.

b. The Town Council finds that the Applicant's request is consistent with the applicable provisions of the Town Code, provided applicant adheres to the conditions identified in this Ordinance.

B. CONDITIONS

Based on the Application, testimony and comments from the public, Applicant and Town Staff, the Town Council hereby approves of 132 W. Sopris Drive Special Review for an ADU and confirmation of the existing setbacks in the R-3 TN Zone District, subject to the following conditions:

Representations:

1. The Applicant shall comply with all representations set forth in the Application.
2. The Applicant shall comply with all material representations made in hearings before the Planning and Zoning Commission and Town Council.

Construction Management Plan:

3. The Applicant shall submit a final construction management plan for review and approval by the Town Planner and Town Building Official prior to commencing construction activities on the site. The construction management plan shall include construction parking and dust mitigation measures and a representation that the Applicant will comply with the allowable construction hours as established in the Town Code.

Fire District Comments:

4. The Applicant shall demonstrate compliance with Basalt and Rural Fire Protection District's comments dated August 26, 2016, prior to the issuance of a certificate of occupancy on the new residential unit.

Basalt Sanitation District Comments:

5. The Applicant shall demonstrate compliance with Basalt Sanitation District's rules and regulations prior to the issuance of a building permit, including the payment of fees for an additional EQR.

Communication Infrastructure:

6. The Applicant shall trench and install conduit from the CenturyLink Utility Pedestal to the ADU prior to the issuance of a certificate of occupancy on the ADU. The Applicant shall coordinate with CenturyLink representatives about the location of the conduit to be installed.

Development and Building Fees:

7. The Applicant shall pay all applicable development review fees on the new ADU, as calculated by the Town Planner, prior to building permit issuance. The parkland dedication fee is waived as a result of the ADU being deed restricted pursuant to Town Code Section 16-27. The Applicant shall also pay all applicable building permit fees as calculated by the Town Building Official prior to building permit issuance.

Approval Documents:

8. The Applicant shall prepare a site plan and draft deed restriction for review and approval by the Town Planner and Town Attorney. The site plan shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a building permit. The ADU deed restriction designating that one of the two units on the site will be resident-occupied shall be recorded at the Eagle County Clerk and Recorder's Office prior to the issuance of a certificate of occupancy on the ADU.
9. The Applicant shall prepare and submit any additional approval documents deemed necessary by the Town Planner and Town Attorney to effectuate the intent of the approvals. Any such documents shall be executed and recorded prior to the earlier of the issuance of a building permit or 180 days after the effective date of the final approval ordinance. If the Applicant does not execute and record the necessary approval documents in 180 days or receive and extension from the Town Planner, the approvals shall expire.

Vested Rights:

10. Vested property rights shall be granted as approved herein for a period of three (3) years from the effective date of the ordinance approving these land use requests provided the Applicant complies with the approval document deadline established in Condition No. 9 above. The Applicant may request an extension of vested rights pursuant to the process for extending vested rights as established in the Town Code. If a building permit for the ADU is not

issued within the three (3) year vested rights period or as it may be extended, the approvals granted for this amendment shall expire.

Insubstantial Amendments:

11. The Town Planner may review and approve minor amendments to this approval to effectuate the intent of the final development approvals. The Applicant shall have the ability to appeal a Town Planner's decision on a minor amendment to the Town Council pursuant to the appeals process established in Town Code Section 16-11, *Procedures for Code Interpretations and Appeals*.

C. MISCELLANEOUS

1. The approvals contained herein and the conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant.
2. The Ordinance shall be recorded in the Office of the Clerk and Recorder of Eagle County.
3. If any part, section, subsection, sentence, clause or phrase of the Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON November 15, 2016 by a vote of 6 to 0 on October 25, 2016.

READ ON SECOND READING AND ADOPTED by a vote of __ to __ on _____, 2016

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

By: _____
Pamela K. Schilling, Town Clerk

Ord29__-132WSoprisADU.doc

First Publication: Thursday, _____, 2016
Final Publication: Thursday, _____, 2016
Effective Date: Thursday, _____, 2016



MEMORANDUM

TO: Mayor Whitsitt and Basalt Town Council
FROM: Pamela Schilling, Town Clerk
DATE: November 11, 2016

RE: Public Hearing - Application for New Lodging and Entertainment Liquor License – Willits Block 12, LLC - ELEMENT HOTEL, 499 Market Street, Basalt.

Willits Block 12, LLC dba the Element Hotel Aspen-Basalt has submitted an application for a new Lodging and Entertainment Liquor License to serve malt, vinous and spirituous liquors at the Element Hotel located at 499 Market Street, Basalt, Colorado.

The property has been posted for a public hearing in compliance with the Colorado Revised Statutes. The applicant has indicated they will be at the meeting in support of the application.

The Local Licensing Authority is required to hold a public hearing on a new liquor license application. At the public hearing, any party in interest shall be allowed to present evidence and cross-examine witnesses. [CRS 12-47-311(5a)].

The Element Hotel was originally opened by Silverwest Hotel Management, LLC; owners were Charles Peck and Edward Mace. Karen Morris was registered as the Manager for the Element.

The new application is submitted by Willits Block 12, LLC; owners are Charles Peck and Edward Mace. Karen Morris is registered as the Manager for the Element.

The application is being treated as a new application, but because the premises have not changed, and the owners have changed in corporate name only, I did not seek a petition indicating the needs and desires of the neighborhood, as that had been established only one year ago. There are no other licenses of this type in the Town of Basalt at this time.

The original H&R license required that H&R licensees shall sell alcohol beverages "...only to customers of the restaurant and only if meals are actually and regularly served and provide not less than twenty-five percent of the gross income from sales of food and drink of the business of the licensed premises over any period of time of at least one year." Lodging and Entertainment licenses do not require the annual sales percentage, nor that meals be actually and regularly served. L&E licenses allow that "...the primary business is to provide the public with sleeping rooms and meeting facilities..." and allows them to have sandwiches and light snacks rather than full meals.

1. (12-47-313) Restrictions on applications for new license.

(1) No application for the issuance of any license shall be received or acted upon:

(a)(I) If an application for the same type of license has been denied at the same location or within 500 feet of the same location within 2 years prior.

(b) Until it has been established that the applicant is, or will be, entitled to possession of the premises by ownership, lease, rent, or other possession arrangement.

(c) In a location where the sale of alcohol is not permitted under the applicable zoning laws of the municipality.

(d) If the building in which the alcohol is to be sold is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary only 3.2 Fermented Malt Beverage License may be issued.

2. Based on staff investigations, the Town Council is able to make the following findings in response to the restrictions noted in section 12-47-313:

(a)(1) No prior licenses have been denied at this location or within 500 feet of this location in the past 2 years.

(b) The applicant has possession of the property for the term of the liquor license.

(c) There are no municipal zoning laws prohibiting the sale of alcohol at the applied for location.

(d) The building on the application is not located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.

The application appears to be complete. Fingerprints and Individual History Records were not required as they had been submitted to the Colorado Liquor Enforcement within the past 2 years.

Comments by Inspecting Agencies:

Planning: The Planning Department notes that Element Hotel has not requested outdoor music and therefore it is not included in the approval. If outdoor music is desired, it requires approval by the Planning Director.

Building: The Building Department has no problems, concerns or comments with regard to the issuance of new Lodging and Entertainment license.

Police: The Police Department finds no criminal violations since the last licensing event, and recommends issuance of a new Lodging and Entertainment Liquor License for the Element Aspen-Basalt.

Fire: The Fire Department has no problems, concerns or comments with regard to the issuance of a new Lodging and Entertainment license.

Health: Eagle County Health has no concerns and is fine with the facilities and food service as set forth to the inspector.

Clerk: In addition to the comments listed above, the Clerk's Office requires that Element Hotel employees attend and provide proof of Responsible Serving of Alcohol cards for all employees to the Town within 3 months.

Staff Recommendation:

Staff recommends approval of the new Lodging and Entertainment liquor license for the Element Hotel, 499 Market Street, Basalt, based on the findings by staff stated in this memorandum dated November 15, 2016.

Please note:

If opposition to the application has been presented at the hearing, staff recommends Council continue the Public Hearing until staff has investigated any new evidence opposing the application. A decision must be made to approve or deny within 30 days of the public hearing; therefore, any continued Public Hearing should be scheduled for no later than Tuesday, December 13, 2016.



MEMORANDUM

TO: Mayor Whitsitt and Basalt Town Council
FROM: Pam Schilling, Town Clerk
DATE: November 11, 2016

RE: Public Hearing - Application for Renewal of a Retail Marijuana License for RFSCB, LLC dba Roots Rx – located at 165 Southside Drive

RFSCB, LLC, dba Roots Rx, located at 165 Southside Drive, has submitted an application for the renewal of their retail marijuana license. Staff has posted the property with a Notice of Public Hearing at least 10 days prior to this hearing.

COMMENTS FROM INVESTIGATING AGENCIES:

Police: The Basalt Police Department reported that the applicant Pete Tramm was found to have one documented incident since the last renewal of the Roots Rx license, but no criminal charges were filed.

Basalt Police report no criminal violations by owners Tramm or Holmes since the issuance of the retail license in November 2014.

Finance: The Finance Department has no comments or concerns.

Building: The Building Department has no comments or concerns.

Fire: Basalt Fire reported no concerns.

Planning: The Planning Department stated: The applicant must comply with all the existing license and zoning requirements included in the Town Municipal Code for retail marijuana stores. It should be noted that the Town of Basalt Town Council is considering an Ordinance that would amend some of the surveillance requirements and other operational requirements for marijuana stores in the Town of Basalt. If said amendments are approved, upon the effective date of the amendment ordinance, Roots Rx would be required to comply with such amendments.

Clerk: The applicant has paid his annual business license and annual Retail Marijuana License renewal fees.

Staff Recommendation:

Staff recommends approval of the Retail Marijuana License renewal for RFSBC, LLC dba Roots Rx. If opposition to the application is presented at the Public Hearing, Council may continue the Public Hearing until staff has had an opportunity to investigate.

TOWN OF BASALT
Action Items

Date: November 15, 2016
From: Susan Philp, AICP, Planning Director

SUBJECT:

Approval of Agreement Acknowledging that Willits Town Center Satisfied conditions for payment of \$500,000 by the Town to bridge funding gap and specifying payment schedule

RECOMMENDATION: Approval by motion of Agreement which includes the payment schedule

DETAIL:

Status – Continued from October 25, 2016, meeting to this meeting. There was general agreement from the Council that the Developer met the requirements for the \$500,000 contribution toward affordable housing. The Council wanted to continue the discussion on the payment schedule to receive additional input from Judi Tippetts, Assistant Town Manager/Finance Director. The payment schedule was also briefly discussed at the Council's November 9th Budget Worksession.

Tippett's Recommendation– the cash reserves presented at the November 9th Budget worksession for the end of 2016 reflected the \$250,000 payment in 2016. The proposed budget includes the \$250,000 payment in 2017. This generally corresponds to the commitments made when the Town presented its payment schedule in the 2015 budget. It also concludes the Town's role in this obligation and makes budgeting in future years simpler as Town Staff does not have to keep track or continue to visit the reasons for the payment.

Background.

The Willits Town Center approvals would have required approximately one-third of its affordable housing units to be built before filing the plat that contained the Element hotel site.

In 2014, the Willits Developer asked the Town to delay the delivery of the affordable housing units until the next block filing after the hotel. There were a number of issues that the Town considered in making its decision to delay the delivery of the affordable housing units and amend the affordable housing obligations for the development. One was that the Developer agreed to construct at least 50 rental affordable housing units on Block 7, leaving at that time only 6 for-sale affordable housing units to be built at a later date and 4 additional units be offered for sale to the Town and Fire District negotiated with the Whole Foods approvals. Ultimately the Town recognized that there could be a shortfall in the funds needed to build these affordable housing units and negotiated the language that was included in Ordinance No. 11, Series of 2014.

Over the past year, the Developer has provided financial information to Bruce Kimmel, the Town's Financial Advisor in order to satisfy the conditions of the \$500,000 contribution. Bruce Kimmel finished his analysis and concluded in his memorandum dated October 17, 2016:

In conclusion, Ehlers recommends that the Town find that the Block 7 apartments meet the requirements of Condition 7(2) above, and that the Town move forward in implementing its intended financial participation in the project.

Recommendations by Other Boards: The P&Z is not required to review this proposal. Staff did not ask that this be reviewed by the Finance Committee.

Financial Implications: Judi Tippetts, Assistant Town Manager/Finance Director, recommended that the payments be made in two increments to generally correspond to the commitments made when the Town presented its payment schedule in the 2015 budget. The plan is that the funds for 2017 would come from unrestricted revenues.

Related Town Statute and or Town Actions: Willits Town Center PUD Control Document and related ordinances and approval documents. Ordinance No. 11, Series of 2016.

Attachments: Draft Agreement for consideration which includes Kimmel's memo as Exhibit A; Excerpts from the Council's 2014 packet materials when the Town considered Ordinance No. 11, Series of 2014

**DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF BASALT AND WILLITS
TOWN CENTER LLC. FOR THE CONTRIBUTION OF FUNDS FOR THE
AFFORDABLE HOUSING CONSTRUCTED PURSUANT TO ORDINANCE NO. 11,
SERIES OF 2014**

This DEVELOPMENT AGREEMENT (the "**Agreement**") dated as of _____, 2016, is made by and among WILLITS TOWN CENTER LLC, a Delaware limited liability company ("**Developer**"), and the TOWN OF BASALT, a Colorado municipal corporation (the "**Town**"). Developer and Town are collectively called the "**Parties**," and individually, a "**Party**."

RECITALS

1. Willits Town Center LLC as the current Developer of the Willits Town Center PUD and as the current owner of Block 7 of the PUD desires to complete development and construction of the affordable housing totaling 50 units on the upper two floors of Block 7 North, Willits Town Center, and constructing three floors of affordable housing totaling 27 units in the building to be constructed on Block 7 South, Willits Town Center, together with related amenities and uses on the Property. The Block 7 plat was recorded in the Eagle County records as Reception No. ____.

2. Condition No. 7(1) of Exhibit A to Ordinance No. 11, Series of 2014 provided that the Developer was required to build at least 50 units of rental housing on Block 7 before filing another plat after the Block 12 plat was filed in order to construct a a limited services hotel on Block 12.

3. Condition No. 7(2) of Exhibit A to Ordinance No. 11, Series of 2014 ("Ordinance No. 11"), establishes that the Town will contribute no more than \$500,000 toward the construction of affordable housing on Block 7, of Willits Town Center, and enter into a development agreement with the Applicant for that purpose provided the following pre-conditions are satisfied:

- a. The Developer shall submit to the Town for review and approval a development budget, financing plan and operating pro forma.
- b. The information provided to the Town by the Developer must confirm the need for the Town funds to bridge an identified funding gap.
- c. The Town must determine that the construction of the affordable housing units is financially viable if the Town makes the grant of not more than \$500,000, considering ranges demonstrated by comparable LIHTC projects and other information.

4. In accordance with Condition No. 7(2) of Exhibit A to Ordinance No. 11, the Town finds that the Developer has submitted a development budget, financing plan, and operating per forma for the 50 rental housing units acceptable to Bruce Kimmel of Ehler's Public Finance, the Town's Financial Consultant, and that the Town has confirmed the need for the Town funds to bridge an identified funding gap as is described in Bruce Kimmel's memorandum to Town Staff dated October 17, 2016, attached hereto as **Exhibit A**.

5. The Town also finds that the construction of the affordable housing units is financially viable with the Town's contribution and the Block 7 North building is nearing completion.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and promises of the Parties contained in this Agreement, and other valuable consideration, the receipt and adequacy of which are acknowledged, the Parties hereby agree to the terms and conditions in this Agreement.

A. **Town Contribution.** The Town agrees to contribute \$500,000.00 to the construction of the affordable housing on Block 7 as the Developer has satisfied the requirements.

B. **Schedule and Payment.**

i. The Town Council directs the Finance Director to pay the Developer \$250,000 in 2016.

ii. The Town Council hereby directs Staff to include \$250,000 in the 2017 budget for consideration in the formal budget adoption process with the payment to be paid by the Town no later than the Town's issuance of the certificate of occupancy for the 50 dwelling units. The 2017 budget is subject to review and approval by the Town Council.

C. **Use of Funds:** The Developer shall only use the funds provided by the Town of Basalt for the specified purpose of bridging an identified funding gap for the construction of the 50 affordable housing units and for no other purpose. Upon request by the Town Finance Director, the Developer shall provide documentation on the use of the Town's funds for that purpose within 60 days of the Town's request which may up to one-year following the Town's final payment.

D. **Notice of Default, Right to Cure.** In the event of any default under the provisions of this Agreement, the non-defaulting party shall, prior to the exercise of any right or remedy, give the party alleged to be in default written notice of such default together with right for a period of ten days after receipt of such notice to cure said

default. If an alleged default by its nature is not capable of being cured within the time provided, the party alleged to be in default shall, provided such party is proceeding with all due diligence, have up to an additional twenty days to cure said default. If a default is not cured within the time provided or any extension thereof (which right to cure period shall not under any circumstances exceed in the aggregate thirty days), the non-defaulting party shall then and thereafter be free to terminate this agreement and pursue any right or remedy allowed by this Agreement or otherwise by law.

E. **Notices.** Any notice, demand, or document which either party is required or may desire to give, deliver or make to the other party shall be in writing and may be personally delivered or given by facsimile transmission or given by United States certified mail, return receipt requested, addressed as follows:

To Town: Town Manager
 Town of Basalt
 101 Midland Avenue
 Basalt, Colorado 81621

To Willits: Willits Town Center LLC
 4220 Shawnee Mission Parkway, Suite 200-B
 Fairway, KS 66205
 Attention: President
 Telephone: (816) 561-3796
 Email:ryan.anderson@mariner-re.com

Any notice, demand or document so given, delivered or made by United States mail shall be deemed to have been received on the earlier of the date actually received or the third business day after the same is deposited in the United States mail as certified matter, addressed as above provided, with postage prepaid. Notice by facsimile transmission shall be deemed given upon receipt of a confirmation by sender.

F. **Remedies.** Either party shall have the right and power to bring suit in its own name for any legal or equitable relief due to lack of compliance with any provisions of this Agreement. If any court proceedings are instituted in connection with the rights of enforcement and remedies provided in this Agreement, the prevailing party shall be entitled to reimbursement of its costs and expenses, including reasonable attorneys' fees, in connection therewith.

G. **No Waiver.** The failure of either party to insist upon the strict performance of any provisions of this Agreement or to exercise any right or option available to it, or to serve

any notice or to institute any action, shall not be a waiver or a relinquishment for the future of any such provision.

H. **Amendments in Writing**. This Agreement may not be amended, nor may any rights hereunder be waived, except by an instrument in writing executed by the parties hereto and duly recorded in the real estate records of Eagle County, Colorado.

I. **Colorado Law**. The interpretation, enforcement or any other matters relative to this Agreement shall be construed and determined in accordance with the laws of the State of Colorado. This Agreement is subject to the laws of the State of Colorado, jurisdiction shall be in the District Court of Colorado, and venue in the County of Eagle, in the event of any legal proceedings arising from the transaction described herein.

J. **Run With the Land**. All the provisions of this Agreement, including the benefits and burdens created thereby, shall run with the land. This Agreement is made subject to any existing easements, reservations, restrictions or rights of way.

K. **Correction Documents**. In the event any clerical or other errors are found in this Agreement or any other descriptions or other exhibits hereto, or in the event any exhibit shall be missing, the parties agree to promptly execute, acknowledge, initial and/or deliver as necessary any documentation in order to correct the erroneous document, description, exhibit or to provide any missing exhibit.

L. **Binding Effect**. All provisions of this Agreement inure to the benefit of and are binding upon the parties hereto, their heirs, successors, assigns and personal representatives.

IN WITNESS WHEREOF, this Agreement is executed by the Parties as of _____, __, 2016.

ATTEST:

TOWN OF BASALT

Pamela K Schilling , Town Clerk

Jacque R. Whitsitt, Mayor



Exhibit A

Memo

To: Town of Basalt, Minnesota
From: Bruce Kimmel, Senior Municipal Advisor
Date: October 17, 2016
Subject: **WTC Affordable Housing – Analysis of Need for Town Assistance**

On March 25, 2014, the Town of Basalt adopted Ordinance 11, Series of 2014, which approved a revised development program for Willits Town Center (WTC). Several sections of this Ordinance related to WTC's plan to develop 50 affordable housing units on Block 7, including Condition 7(2) in Exhibit A:

7(2). The Town intends to contribute no more than \$500,000 toward the construction of the affordable housing identified above and to enter into a development agreement with the Applicant for that purpose, provided that the following pre-conditions to such grant are satisfied:

- A. The Applicant shall submit to the Town for review and approval a development budget, financing plan, and operating pro forma.
- B. The information provided to the Town by the applicant must confirm the need for the Town funds to bridge an identified funding gap.
- C. The Town must determine that the construction of the affordable housing units is financially viable if the Town makes the grant of not more than \$500,000, considering ranges demonstrated by comparable LIHTC projects and other information.

The Town has asked Ehlers to help it discern whether the provisions of Condition 7(2) have been satisfied, indicating that the Town may proceed in drafting and entering into the aforementioned development agreement and \$500,000 contribution. To this end, Ehlers has reviewed near-final project information provided by WTC, including:

- Detailed development budgets for the full mixed-use building located on the north side of Block 7, and with the apartment portion broken out separately;
- Unit counts by size (i.e. studio up to three-bedroom) and projected monthly rents by unit size, consistent with the Town's affordable housing guidelines;
- Income and operating expense items, plus future inflation assumptions; and
- Operating proforma for first year of operations (lease-up), and for seven years following, including a hypothetical valuation of the apartments based on WTC's estimate of stabilized net operating income at the end of operating year two.

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WTC's analysis indicated that the final development cost of the units will exceed their likely market valuation (based on net operating income in year two) by approximately \$1,514,000 – that is, not factoring in the Town's conditional \$500,000 contribution. At a high level, this shortfall is the result of the projected affordable unit rents not generating income in balance with WTC's development and operating costs.

Ehlers reviewed the development budget and operating proforma inputs described on the previous page, and found them to be reasonable based on our experiences with a range of similar multifamily housing projects, as well as industry cost references that account for geographic cost disparities. In fact, looking at the handful of estimated costs that seemed to deviate from industry standards, more of these appeared low than high, indicating an effort by WTC to control development and operating costs.

Our analysis leads us to conclude that WTC has demonstrated a need for the \$500,000 of intended Town assistance, to help close a portion of the overall funding gap on the Block 7 affordable units. But what about the question of financial viability with Town assistance? In other words, if WTC is showing a \$1.5 million shortfall, is the project viable even after the intended Town contribution? To answer this question, we re-ran the WTC operating proforma to focus on annual net cashflows over time, instead of WTC's comparison of project cost to project valuation.

Including the Town's \$500,000 contribution, our cashflow analysis showed net revenues (after estimated debt service) sufficient to repay WTC's expected equity investment within 12-14 years, with net profits beginning to flow slowly after that point. What this means is that the affordable housing is financially viable, but WTC is accepting a very slow return on its investment – even with the Town's \$500,000 contribution.

On the other hand, the Block 7 apartments are likely to achieve and maintain near-100% occupancy due to their affordable monthly rents, will bring a significant number of new year-round residents to Willits, and were a critical element of the agreement that permitted WTC to build the Element Hotel – and so this dynamic also helps to explain how the project is viable for WTC, from a larger economic perspective.

In conclusion, Ehlers recommends that the Town find that the Block 7 apartments meet the requirements of Condition 7(2) above, and that the Town move forward in implementing its intended financial participation in the project.

Please contact me at (651) 697-8572 or bkimmel@ehlers-inc.com with any questions about our fiscal analysis, and thank you for the opportunity to be of assistance to the Town of Basalt.

Excerpts From Ordinance No. 11, Series of 2014
Addressing Affordable Housing & Financial Obligations

least five (5) feet of unobstructed sidewalk clearance. The lighting for the signage shall comply with the Town and PUD sign lighting requirements. All sign lighting shall be fully-shielded and down-directed. Additional directional signs with the Element logo can be permitted by the Town Planner within the public parking tract, but no other hotel signs (including logos) are allowed in the Town's property except within the existing Identification Sign on Highway 82 which will include hotel signage as previously approved in the PUD.

Affordable Housing Requirements:

- 7(1). The Applicant shall satisfy the Affordable Housing requirements for the hotel project on Block 12 as described below.
- A. The Applicant shall deliver to the Town with an executed Subdivision Improvement Agreement a \$500,000 irrevocable standby letter of credit in a form approved by the Town Attorney to secure the construction of deed restricted affordable housing as described herein, at the time that the plat for Block 12 is submitted to the Town for approval. The Town Attorney in his discretion may accept substitute security.
 - B. Except as provided herein, after the recordation of the plat for Block 12 (for a hotel) and the recordation of a plat for Block 7 (which will contain no less than 50 fully-deed restricted units), the Town shall not approve the filing of any other plat in Willits Town Center or any other application for development on any block in Willits Town Center which does not have a recorded filing prior to issuance of certificates of occupancy for no less than 50 fully-deed restricted rental units to be constructed on Block 7. The affordable housing categories for these units shall be as required by the PUD approvals. This requirement of this section is not contingent upon the Applicant's ability to secure the participation of any third party to assist in meeting this requirement. Alternatively, the Town Planner may authorize another plat for development after the plat for Block 7 has been filed, a building permit has been issued for the 50 fully-deed restricted units, and the Applicant has demonstrated to the satisfaction of the Town Manager or his designee that construction activity has mobilized on the site and that financing is in place to reasonably assure that construction will continue to the completion of the affordable housing project. ←
 - C. If the Applicant obtains building permits for all of the 50 units identified in paragraph B prior to April 1, 2017, the Town will release the letter of credit identified in paragraph A upon the issuance of all such building permits.
 - D. The letter of credit identified in Paragraph A shall provide that if building permits

are not issued for all 50 of the affordable housing units identified in Paragraph B prior to April 1, 2017, the Town in its discretion may draw on the letter of credit, but only for the purpose of building affordable housing units within Willits Town Center unless the parties agree that the funds can be used for affordable housing elsewhere. If the housing is to be built on Block 7 or elsewhere in Willits Town Center, the Applicant shall permit the Town to access that property to the extent necessary for such construction.

- 7(2). The Town intends to contribute no more than \$500,000 towards the construction of the affordable housing identified above, and to enter into a development agreement with the Applicant for that purpose, provided that the following pre-conditions to such grant are satisfied: \$ 300,000
Contribution
- A. The Applicant shall submit to the Town for review and approval a development budget, financing plan and operating pro forma.
 - B. The information provided to the Town by the Applicant must confirm the need for the Town funds to bridge an identified funding gap.
 - C. The Town must determine that the construction of the affordable housing units is financially viable if the Town makes the grant of not more than \$500,000, considering ranges demonstrated by comparable LIHTC projects and other information.
- 7.(3). The development agreement referred to in 7(2) above shall identify the timing and manner in which the Town funds shall be appropriated for the project.
8. The request for delay of offering the additional four (4) housing units to be required to be built and offered for sale to the Fire District and the Town of Basalt is not approved. However, Staff will work with the Applicant and the Fire District to refine the procedures and deadlines for the commitments to purchase one or more of the residential units on Lewis Lane in Block 7 or in subsequent plat filings within the project's build out which could differ from the current requirements.
9. The approvals authorize the TRC to grant waivers to the design guidelines for the buildings including the affordable housing units provided the TRC makes a finding that the underlying design principles in the PUD are satisfied.
10. The developer's total requirement for affordable housing for the current square footage permitted in Willits Town Center is revised to 56 fully-deed restricted dwelling units, not counting the 4 dwelling units to be offered for sale to the Fire District and the Town. This is based on a conversion of one fully-deed restricted unit

approved by the Town Planner before a building permit is issued for the next building after the hotel.

Tract 5 Provisions:

20. The Applicants shall install landscaping in Tract 5 per final landscape plans prepared by the Applicant and approved by the Town Planner after input from the Town Horticulturist which further develop the concept of parallel parking on the south side of Lewis Lane adjacent to Tract 5, a sidewalk, and a terraced berm on the Tract 5 Open Space per the recommendations of the P&Z at their March 4, 2014, meeting. The Developer shall maintain the landscaping improvements in Tract 5.

Financial:

21. The Town hereby approves financial assistance for the hotel as follows:
 - A. The Town Attorney is directed to prepare an ordinance containing a ballot question for the November 2014 election for the Council's consideration asking the voters to approve an additional two percent (2%) lodging tax whereby any hotel making capital improvements would receive the additional lodging tax funds collected for that hotel to recoup expenses for capital projects approved by the Town Council for up to 10 years after the improvements are completed or the hotel units have a certificate of occupancy whichever is later. After 10 years the funds would be reserved for the Town's use. The Applicant would not be eligible to receive the lodging tax funds unless the conditions listed in subparagraph C below are satisfied.
 - B. If the ballot question referenced above is not approved by the electorate, then the Town Council intends make a one-time grant of \$500,000 payable to the Applicant for capital improvements needed by the hotel, and directs its staff to include in the 2015 budget for its consideration a \$500,000 lump sum appropriation payable to the Applicant. The Applicant would not be eligible to receive the grant unless the conditions listed in subparagraph C below are satisfied.
 - C. In order for the Applicant to be eligible and receive funds under A or B above for reimbursement of the funds spent for the approved capital improvements:
 - i. The Applicant shall have started construction of the 50 fully-deed restricted affordable housing units referred to in Condition No. 7 before a certificate of occupancy is issued for the hotel. For the purposes of this

ordinance the term started construction shall mean that the plat for Block 7 has been filed, a building permit has been issued for the affordable housing units, and the Applicant has demonstrated to the satisfaction of the Town Manager or his designee that construction activity has mobilized on the site and that financing is in place to reasonably assure that construction will continue to the completion of the affordable housing project; and

ii. The parking agreement referenced in Condition No. 15 has been executed between the Applicant and the Town (and potentially one or more parties) and the garage is open to the public; and

iii. The Applicant demonstrated that the capital improvements are completed and that a building permit has been issued for a hotel.

D. The eligible capital expenses for the limited-services hotel approved under this ordinance include: site work required for the hotel structure on Block 12 including the parking lot improvements on the public parking tract; Tract 5 Landscaping required by Condition No. 20; street, parking and sidewalk improvements required by Exhibit PP of the PUD Control Document for Block 12 and other capital improvements reasonably related to the hotel development as determined by the Town Manager or his designee.

E. The Town's contribution for affordable housing is addressed in Condition No. 7.

22. The exemption from the real estate transfer assessment (RETA 1) for the sale of vacant land for a hotel that was permitted on Block 3, is transferred to Block 12 for a hotel and added as an exemption for RETA 2. The portion of the development on Block 7 which is to be sold and used for the 50 fully deed restricted affordable housing units is also exempted from RETA 1 and RETA 2.

23. The approval documents shall be amended to allow Willits Lane Impact fees to be used for other transportation improvements which benefit the Willits area.

Fire District Review:

24. Before Building permit, the Applicant shall demonstrate compliance with the comments made by the Basalt and Rural Fire Protection District in the letter from Bill Harding dated February 23, 2014.

Final Approval Documents and Other Legal:

25. All WTC approval documents required to execute this approval shall be approved and found acceptable by the Town Attorney and recorded into the public records before a construction permit is issued for the hotel. Except for the recordation of the

Backup on Town's final 2014 negotiations on Affordable Housing and other financial commitments 3



Kimmel



Memo

To: Susan Philp, Town of Basalt
From: Bruce Kimmel, Senior Financial Advisor
Date: March 21, 2014
Subject: Willits Town Center Hotel Negotiation – Town Council Update

In advance of next week's Town Council meeting, you suggested that I provide a brief update on the negotiations the Town has held with Willits Town Center following the first reading of the Hotel / Block 12 PUD ordinance at the March 11 Town Council meeting.

Ehlers took away from that Council meeting an understanding that a Council majority wants to see (1) an affordable housing security that doesn't stop the hotel from moving forward, and (2) a simplified deal that doesn't commit Town resources to private development without a demonstrated need for public subsidy. It was very useful to receive this Council guidance as to its policy preferences, and given these directives, we believe that combining a reduction in the affordable housing lockbox requirement with the elimination of the previously suggested 2% lodging / sales tax reimbursement of hotel project costs is a fair and practical outcome.

We understand that WTC still feels strongly that it needs the Town's tax subsidy to have a viable hotel project, but it is only since the March 11 Council meeting that WTC has begun to express any "but for" argument tying the tax subsidy to meeting a target rate of return on the hotel project. In the last day, WTC has also sent us new material intended to bolster its case for the 2% lodging / sales tax subsidy but we have not yet had the opportunity to examine this material thoroughly.

In addition, Town staff has expressed concerns about obligating the existing 2% general sales taxes collected from the hotel in the event that a supplemental 2% lodging tax were not approved by Town voters this fall. The hotel will generate an undetermined amount of demand for public safety and other Town services, and so it is inaccurate to claim that pledging all general sales taxes is cost-neutral for the Town.

Ehlers has been clear in previous memos and Council presentations that the hotel proforma in play from mid-December until this week does not support Town subsidy in and of itself, but that we thought a reimbursement provision was reasonable in tandem with significant WTC commitments to affordable housing and public parking. We expect that WTC will submit additional proposals between today and next Tuesday, which may or may not tip the "risk – reward" scales back toward a case for limited subsidy. We look forward to evaluating and discussing any such ideas with the Council next week.

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4
Edwards

MEMORANDUM

Date: March 21, 2014
To: Town Council, Town of Basalt
From: Willits Town Center, LLC
Re: PUD Amendment;
Public Hearing March 25, 2014

The intent of this Memorandum is to help focus the discussion for the public hearing scheduled on March 25, 2014. We have made substantial progress working with staff since the last meeting but there are still a small number of areas of disagreement. The issues we would like to discuss Tuesday night are:

WTC, LLC Proposal to Solve the Security Issue

1. WTC, LLC puts a \$500,000 letter of credit (or other security) in to a lockbox.
2. The 2% lodging or sales tax subsidy to pay for site costs is void if construction on affordable housing in Block 7 is not started prior to opening of the hotel.
3. The Town of Basalt affirms their \$500,000 commitment to affordable housing, which would be advanced only if the lockbox funds used by the town because construction of affordable housing has not started by the date below.
4. Any lockbox funds must be used at Willits Town Center.
5. WTC, LLC stipulates that the next building, after the start of the hotel will be Block 7 and that it will contain 50 FDR units.
6. If construction on Block 7 does not begin by 3/31/17 the Town of Basalt can use the lockbox for affordable housing.
7. If construction begins prior to 3/31/17 the lockbox is closed.

Reasoning behind this proposal:

We believe that this proposal add sufficient security to the affordable housing component of Willits Town Center. The 2% tax subsidy is a necessary component to the hotel project. Under this proposal we are putting that money at risk if we don't get Block 7 started by next spring when we anticipate the hotel will open. WTC is doing and will continue to do what it takes to protect that income stream, which helps to make the hotel a viable project. We continue to stipulate that Block 7 will be the next building and that it will contain 50 affordable housing units.

Per Ehlers proposal we would replace point 3 above with the following:

From Darduff

3. The Town of Basalt affirms its intent to provide up to \$500,000 in grant funding toward AHI's proposed 50 affordable housing units on Block 7.
 - The Town will commit its grant upon its review of AHI project financials (including development budget, plan of finance, and operating proforma), and its confirmation of an estimated funding gap equal to or greater than the grant amount. Town approval of the grant shall not be withheld unreasonably as long as the project demonstrates viability (with the Town grant and all other funding sources) and the project's financial elements are within ranges demonstrated by comparable LIHTC projects. Town disbursement of its grant will be pro-rata with other sources, and/or secured by a suitable guarantee of AHI project completion.



History:

A four story hotel is currently allowed on block 3. Construction on block 3 would not trigger affordable housing to be built because it is already platted. WTC, LLC proposal to build a hotel on block 12, with the proposal above means that affordable housing at Willits Town Center will start sooner than the PUD currently requires and 50 units will be delivered as opposed to 15.5.

Lodging or sales tax pass-through issue:

There is a threshold to invest. For us, on this project, it is 10-12% unlevered internal rate of return. Our base case projections do not meet this threshold. A combination of the 2% lodging or sales tax pass-through and increasing our average daily rate is needed. The pass-through is important because it is less of a burden on guests that just increasing the rate. We estimate that rate would need to increase by 4.5% to get 2% to the bottom line. It is also a psychological issue for guests; even with an additional 2% the total guest tax in less than Snowmass.

The lodging tax is needed because the site costs on Block 12 and the change in configuration of the hotel because of the size of this block added costs to the project. Moving the block also adds to the speed of delivery of affordable housing and is a driver for the development of the south side of Market Street. Both of these are important to WTC, LLC and the Town.

The backstop of sales tax if the public vote on the lodging tax increase fails is a risk, but it comes with great reward. Our estimate of tax revenue generated over 10 years is as follows:

	If lodging tax passes	If lodging tax fails
Sales tax – guest spending in Basalt	\$640,000	\$640,000

Sales tax – hotel	\$1,107,000	\$369,000
Lodging tax – ½ to Basalt	\$369,000	\$369,000
Total to Basalt over 10 years	\$2,116,000	\$1,378,000

TOWN OF BASALT
Action Items for Council

Date: November 15, 2016
From: Susan Philp AICP, Planning Director

SUBJECT: Motion to approve the professional services agreement with Loris and Associates to perform civil engineering services to make the existing temporary chicanes permanent and to add four raised pedestrian crossing along East Valley Road from the "future" Lewis Lane to Evans Road.

RECOMMENDATION: Approve the professional services agreement subject to review and approval by the Town Attorney with the work to be performed in 2017 dependent upon inclusion in the 2017 Town of Basalt Budget.

DETAIL:

Key Basalt Staff and Pete Loris, Loris and Associates, met with the Sopris Meadows Master Homeowners Association (HOA) in June to talk about East Valley Road traffic calming through the residential portions of East Valley Road. The HOA wanted to revisit the earlier traffic calming plan and look at the best solution. The work described here represents the outcome of that meeting.

The white delineators located in East Valley Road were supposed to be temporary. They were to be replaced with curbing and landscaping, which was the original 2008/2009 plan. The need and requirement for the raised pedestrian tables was brought forward in the Town's review of the additional 91,000 square feet of commercial and residential floor area in Willisits Town Center.

The services included in the Loris professional services agreement includes design and final construction documents for 4 raised crosswalks and for making the existing chicane layout permanent with the addition of curb and gutter. The existing 8 chicanes will be designed as permeant features. A change in driving surface roughness such as pavers or "cobblestone" and/or other means of creating additional "friction" and neighborhood delineation will be installed at the north entrance to the East Valley Road neighborhood.

Related Town Statute and or Town Actions: Ordinance No. 28, Series of 2015 approving additional square footage in Willisits Town Center.

Attachments: Draft Agreement for Professional Services; excerpt from Ordinance No. 28, Series of 2015

Budget Implications: The 2016 Budget includes sufficient funds in the Planning Departments budget under Professional Services for this project in 2016. \$405,000 (based on rough cost estimates) for the East Valley Road Traffic calming improvements are included in the streets budget in the 2017 Proposed Budget presented to the Council. The Town's funds are from restricted revenues and two of the four raised pedestrian tables are the financial responsibility of the Willis Developer. The improvements to be constructed in 2017 are dependent on the bids that will be received and on the status of the restricted funds at the time the work needs to be authorized. Since 2008 the Town has spent approximately \$138,500 on traffic calming on East Valley Road.

TOWN OF BASALT
101 MIDLAND AVENUE
BASALT, COLORADO 81621
(970) 927- 4701

AGREEMENT FOR PROFESSIONAL SERVICES

Date: 11/15/16 Project Name: Town of Basalt – Proposal for East Valley Road

Description: Contract with Loris and Associates to perform civil engineering services to make the existing temporary chicanes permanent and to add four raised pedestrian crossings along East Valley Road from the “future” Lewis Lane to Evans Road

Contractor: **Loris and Associates, Inc.**
100 Superior Plaza Way, #220,
Superior, CO 20027
Ph: 303.444.2073
Fax: 303.444.0611
<http://www.lorisandassociates.com>

Project Manager: Peter Loris

E-Mail: ploris@lorisandassociates.com

1. **SCOPE OF WORK:** Basalt requests and authorizes Contractor to perform the following:

The Scope of Work is included in the Proposal from Loris and Associates included as **Exhibit A.**

2. **LEGAL DESCRIPTION OF PROPERTY:**

Not applicable.

3. **TIME REQUIREMENTS AND COMPENSATION:**

See Proposal from Loris and Associates dated November 10, 2016, provided as **Exhibit A.** No more than \$10,000 is to be spent in 2016 unless approved by the Town Manager. The work to be completed in 2017 is dependent upon approval of the 2017 Basalt budget.

Applicable N/A

 4. **Authorization to Proceed.** Execution of this Agreement by Basalt will constitute authorization for Contractor to proceed with the Project, unless otherwise provided for in this Agreement.

 5. **Billing Rates.** Both parties understand and agree that all work not specifically delineated within the scope of work described herein shall be billed on a time and materials basis in accordance with the standard schedule of billing rates and expenses, and shall be in addition to any budget, bid or maximum price agreement for the above-described Scope of Work.

 6. **Direct Expenses.** Contractor's direct expenses are those necessary costs and charges incurred for the Project including, but not limited to: (1) the direct costs of transportation, meals, and lodging, mail courier services, equipment materials and supplies; (2) Contractor's current standard rate charges for direct use of vehicles, computing systems, word processing, and printing, in accordance with the attached schedule of billing rates and expenses included in Exhibit A.

 7. **Standard of Care.** Services performed under this Agreement are to be performed with the care and skill ordinarily exercised by members of the profession practicing under similar conditions at the same time and in the same or similar locality. No warranty, expressed or implied, is made or intended by the interpretation of consulting services or by furnishing oral or written reports of the findings made. Contractor services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the Project.

 8. **Termination.** This Agreement may be terminated for convenience on 30 days written notice, or for cause, if either party fails substantially to perform through no fault of the other and does not commence correction of such non-performance within 5 days of written notice and diligently complete the correction thereafter. On termination, Contractor will be paid for all authorized work actually performed up to the termination date. If no notice of termination is given, relationships and obligations created by this Agreement will be terminated upon completion of all applicable requirements of this Agreement.

 9. **Payment to Contractor.** All fees, commissions, product charges and

expenses billed shall be due within thirty (30) days of the date of billing. Interest on unpaid or late bills shall accrue at 1 1/2 percent per month (18% A.P.R.). In the event any sum is not timely paid, Contractor shall be entitled to recovery of all costs of collection, including reasonable attorneys' fees and expenses. Invoices must be approved by the Project Manager. Client agrees that all statements not objected to in writing within thirty (30) days of receipt are assumed to be final and binding upon the parties as to the amount due, the adequacy of Contractor's performance and the value of the services provided to Basalt.

- 10. Applicable Law, Jurisdiction and Venue.** This Agreement is subject to the laws of the State of Colorado, jurisdiction shall be in the District Court of Colorado, and venue in the County of Pitkin, in the event of any legal proceedings arising from the transaction described herein.
- 11. Insurance.** Contractor shall secure and maintain throughout the full period of this Agreement sufficient insurance to protect itself adequately from claims made by its employees under applicable Workers' Compensation Act and from claims of bodily injury, death or property damage as may arise from the performance of services under the Agreement. Contractor shall secure and maintain commercial general liability insurance providing minimum coverage of \$1,000,000 per occurrence and \$2,000,000 annual aggregate and shall list the Town as additionally insured. The Contractor shall also carry business automobile insurance with a combined single limit (CSL) in the amount of \$1,000,000. Contractor is not authorized to begin work until he files certification of such insurance coverage with Basalt.
- 12. Independent Contractor.** The parties agree that the relationship between Basalt and Contractor is that of an independent contractor. There are no third party beneficiaries to the Agreement.
- 13. Indemnity.** Basalt and Contractor each agree, to the extent authorized by law, to indemnify and hold the other harmless including their respective officers, employees, agents, and representatives, from and against liability for all claims, losses, damages, and expenses including reasonable attorneys' fees, claimed by third parties to the extent such claims, losses, damages, and expenses are caused by the indemnifying party's breach of contract or negligent acts, errors, or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of Basalt and Contractor, they shall be borne by each party in proportion to their respective negligence.

Applicable N/A

- 14. Opinions of Cost.** When included in Contractor's scope of services, opinions or estimates of probable construction costs are prepared on the basis of Contractor's experience and qualifications and represent Contractor's judgment as a professional generally familiar with the industry. However, since Contractor has no control over the cost of labor, materials, equipment, or services furnished by others, over contractor's methods of determining prices, or competitive bidding or market conditions, Contractor cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions or estimates of probable construction cost.
- 15. Attorneys' Fees.** In the event of litigation arising from this Agreement the prevailing party shall be awarded its reasonable attorneys' fees and costs.
- 16. Severability.** Should any provision of this Agreement be deemed contrary to law or unenforceable, the balance of the Agreement shall remain in full force and effect.
- 17. Amendment.** This Agreement may be amended only in writing and signed by the parties.
- 18. Copyright.** The Town retains the right to use materials produced. Materials produced are not subject to copyright by contractor.
- 19. Additional Provisions.** This agreement initiates the work described in this project. Implementation of the project includes additional coordination with the Developers of Willits Town Center who have obligations to fund or construct two of the pedestrian tables. The specific tasks may be modified or reduced if the Developer chooses design and build their improvements separately.
- 20. Miscellaneous.** Susan Philp is Project Manager for the project.

Town of Basalt	Contractor
By _____ Susan Philp, Planning Director	By _____ Peter J. Loris, P.E.
Date _____	Date _____



November 10, 2016

Susan Philp

Basalt Planning Director
101 Midland Ave.
Basalt, CO 81621

Reference: **East Valley Road Traffic Calming
Design of Raised Crosswalks and Chicanes**
Civil Engineering Proposal ~ LORIS Proposal #213-16826

Dear Susan:

LORIS is submitting this proposal to provide civil engineering design and construction documents to make the existing temporary chicanes permanent and to add four raised pedestrian crossing along East Valley Road from the "future" Lewis Lane to Evans Road.

Team

LORIS' Team for these services follows:

- ❖ LORIS – Civil engineering. Pete Loris, P.E., will serve as project manager; Kevin Dooley, P.E. will be our project engineer.
- ❖ Topographic Survey – We are assuming the topographic survey that LORIS used in our previous design will be applicable for this design.
- ❖ Landscape Architecture – Landscape and irrigation modifications will be provided by LORIS or ConnectOne.
- ❖ Geotechnical Engineering – Geotechnical engineering is NOT included in LORIS scope of work. We are assuming that all asphalt will be replaced to the existing thickness.
- ❖ Environmental – Environmental permitting is assumed to be NOT REQUIRED.

Scope of Work

The proposed Work Plan is based on LORIS' previous work in the corridor and conversations with [redacted] staff.

1. **Preliminary Design** The design will be performed according to Town of Basalt Engineering Design Standards and AASHTO requirements. Drawings, specifications, and cost estimates will be prepared according to CDOT format. Construction documents will be prepared on 11"x17" sheets. We will utilize the previous traffic calming plan set developed by LORIS to the greatest extent possible. One set of Construction Document will be prepared for all of the traffic calming features; however, they will be tabulated separately so that the features can have funds allocated separately, or be constructed in phases using the same bid package. The following tasks are to be performed by LORIS unless otherwise noted.
 - a) **Kick-off**
 - i) *Meeting* – LORIS will attend a pre-design meeting via GoToMeeting to discuss all project disciplines and the approach for each. Design data will be agreed upon. The meeting will also reinforce budgets as well as milestones for design and construction. LORIS will develop the meeting agenda, facilitate the meeting, document minutes and distribute to the team.



LORIS

East Valley Road Traffic Calming
November 10, 2016 – Page 2

b) Data Collection

- i) *Obtain Existing Information* – LORIS staff will obtain all applicable, existing utility, drainage, right-of-way and planning information from the Town of Basalt.
- ii) *Topographic Survey* – LORIS will convert the previous survey to our current CAD standards. Supplemental Survey by Sopris is not included in our fee and will be an additional cost, if needed.

c) 30% Design

- i) *Roadway Design* -- LORIS will perform roadway design for four (4) raised crosswalks and for making the existing chicane layout permanent with the addition of curb and gutter. The existing eight (8) chicanes will be located per satellite imagery (Google Earth) and designed as permanent features. Lastly, a change in driving surface roughness such as pavers or “cobblestone” (and/or other means of creating additional “friction” and neighborhood delineation will be installed at the north entrance to the East Valley Road neighborhood
- ii) *Landscape Design* – Connect One
- viii) *Cost Opinion* – LORIS will provide a Cost Opinion for crosswalks and chicanes separately.

d) 30% Design Review

- i) *Review & Meet* – LORIS will submit our design and attend a design review meeting in Basalt.

e) Public Meeting

- i) *Prepare* – LORIS will prepare exhibits for a public meeting.
- ii) *Attend Meeting* – LORIS will attend a public meeting in Basalt. Travel to the Open House will be billed one-way or less, depending if the meeting can be combined with LORIS’ other Roaring Fork Valley meetings. LORIS’ attendance via teleconferencing will be an option.

2. Final Design

a. 90% Design

- i) *Roadway Design* – LORIS
- ii) *Landscape & Irrigation Design* – Connect One
- iii) *Cost Opinion* – LORIS & Connect One

b. 90% Review

- i) *Review & Meet* – LORIS & Connect One will submit our design and attend a design review meeting in Basalt.

3. Final Design

a. 100% Design

- i) *Design* – LORIS & Connect One will progress the Plans, Specifications and Cost Estimate.



LORIS

East Valley Road Traffic Calming
November 10, 2016 – Page 3

b. 100% Review

- i) *Review & Meet* – LORIS will submit our design and participate in a review GoToMeeting.

c. Final Construction Documents

- i) *Design* – LORIS & CONNECT ONE will finalize the Plans, Specifications and Cost Estimate.

d. Final Review

- i) *Review & Meet* – LORIS will submit our design. We will not participate in a final review meeting.

Proposed Schedule

The proposed schedule (approximate) is as follows:

❖ Notice to Proceed	11/15/16
❖ 30% Design Complete	1/15/17
❖ 90% Design Complete	3/15/17
❖ 100% Design Complete	4/15/17
❖ Out to Bid	5/1/17
❖ Bids Due	5/15/17
❖ Start Construction	7/1/17
❖ Construction Complete	8/15/17

Deliverables

Deliverables are described in the attached Fee Worksheet.

Meetings

- ❖ Kick-off GoToMeeting
- ❖ 30% review meeting in Basalt
- ❖ 90% review meeting in Basalt
- ❖ 100% design review GoToMeeting

LORIS will also host GoToMeeting teleconferences as needed to facilitate the design.

Public Process

- ❖ LORIS & Connect One will attend one (1) Public Meeting in Basalt.



L O R I S

East Valley Road Traffic Calming
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Services Not Included

The following Services are **not included** in the LORIS' fee:

- ❖ Geotechnical engineering
- ❖ Topographic survey/mapping
- ❖ Potholing
- ❖ Transportation engineering
- ❖ Utility design – LORIS will coordinate dry utility relocations. Others assumed to be minor.

We propose to perform these services at the hourly rates indicated on our Fee Worksheet Estimate for **\$39,000** (including reimbursable expenses). Please call if you have any questions regarding this proposal. I am looking forward to working with you on this project.

Sincerely,

The Office of
Loris and Associates, Inc.

Peter J. Loris, P.E.
President

EVR TC~LORIS Scope of Work+Fee~2016-07-20
ALL PHASES

TASK #	TASK NAME	TASK DETAIL	Task ID	Pete PM	Kevin Civil PE	Leng Draft	Sandy Admin	LORIS Subtot	LORIS Expense	LORIS Total	TBD	SUBS Subtot	TEAM Subtot
RATES			Rate:	175	120	95	80				Landscape		
1.0	CONCEPTUAL DESIGN												
	General												
	Project Management		1-PMG	4				\$ 700		\$ 700		\$ -	\$ 700
	Design Meetings	GoToMeeting	2-MTG	2	2			\$ 590		\$ 590		\$ -	\$ 590
	Quality Control		7-QC	2				\$ 350		\$ 350		\$ -	\$ 350
	Cost Estimate		6-COS	1	4	4		\$ 1,035		\$ 1,035		\$ -	\$ 1,035
	Specs	Not this phase	5-SPC					\$ -		\$ -		\$ -	\$ -
a.	Kick-off Meeting												
	Meeting	Prepare for Meeting	2-MTG	1	2			\$ 415		\$ 415		\$ -	\$ 415
		Attend GoToMeeting	2-MTG	1	1			\$ 295		\$ 295	\$ 200	\$ 200	\$ 495
		Minutes of Meeting	2-MTG	0.5	2			\$ 328		\$ 328		\$ -	\$ 328
	Site Walkthrough	NIC	2-MTG					\$ -		\$ -		\$ -	\$ -
b.	Data Collection												
	Obtain Existing Information		1-PMG		2			\$ 240		\$ 240		\$ -	\$ 240
	Survey		1-PMG		0.5	2		\$ 250		\$ 250		\$ -	\$ 250
	Right-of-way	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Landscape	Document existing landscape	1-PMG		0.5			\$ 60		\$ 60	\$ 300	\$ 300	\$ 360
	Irrigation	Document existing irrigation	1-PMG		0.5			\$ 60		\$ 60	\$ 300	\$ 300	\$ 360
	Geotechnical	Not in contract (NIC)	1-PMG					\$ -		\$ -		\$ -	\$ -
	Potholing	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Environmental	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
c.	30% Design												
	Roadway	Cover Sheet	25-ROA			1		\$ 95		\$ 95		\$ -	\$ 95
		Standard Plans List	25-ROA		0.5			\$ 60		\$ 60		\$ -	\$ 60
		Typical Sections	25-ROA		2	4		\$ 620		\$ 620		\$ -	\$ 620
		General Notes	25-ROA					\$ -		\$ -		\$ -	\$ -
		Summary of Approximate Quantities	25-ROA					\$ -		\$ -		\$ -	\$ -
		Project Tabulations	25-ROA					\$ -		\$ -		\$ -	\$ -
		Survey Control	25-ROA		0.5	1		\$ 155		\$ 155		\$ -	\$ 155
		SWMP	25-ROA					\$ -		\$ -		\$ -	\$ -
		MHT	25-ROA					\$ -		\$ -		\$ -	\$ -
	Traffic Calming	Rumble Strip	25-ROA		0.5	2		\$ 250		\$ 250		\$ -	\$ 250
		Chicanes	25-ROA		12	4		\$ 1,820		\$ 1,820		\$ -	\$ 1,820
		Raised Crossings	25-ROA		12	4		\$ 1,820		\$ 1,820		\$ -	\$ 1,820
	Utilities	Impacts	21-DRA		1			\$ 120		\$ 120		\$ -	\$ 120
	Drainage	Roadway Drainage	21-DRA		8	2		\$ 1,150		\$ 1,150		\$ -	\$ 1,150
	Right-of-way	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Landscape & Irrigation		1-PMG					\$ -		\$ -	\$ 1,200	\$ 1,200	\$ 1,200
	Lighting	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Permitting	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
d.	Review & Meeting												
	Meeting	Prepare for Meeting	2-MTG		2			\$ 240		\$ 240		\$ -	\$ 240
		Attend Meeting (includes travel one-way)	2-MTG	6	6			\$ 1,770	\$ 555	\$ 2,325	\$ 200	\$ 200	\$ 2,525
		Minutes of Meeting	2-MTG	0.5	1			\$ 208		\$ 208		\$ -	\$ 208
	Site Walkthrough		31-VEH	1	1			\$ 295		\$ 295	\$ 100	\$ 100	\$ 395

EVR TC~LORIS Scope of Work+Fee~2016-07-20
ALL PHASES

TASK #	TASK NAME	TASK DETAIL	Task ID	Pete PM	Kevin Civil PE	Leng Draft	Sandy Admin	LORIS Subtot	LORIS Expense	LORIS Total	TBD	SUBS Subtot	TEAM Subtot
e.	Public Involvement												
	<i>Prepare for Meeting</i>	Produce Boards	3-PPR	2	4	4		\$ 1,210		\$ 1,210	\$ 600	\$ 600	\$ 1,810
	<i>Public Meeting</i>	Same trip as review meeting	3-PPR	3	3			\$ 885		\$ 885	\$ 300	\$ 300	\$ 1,185
2.0	FINAL DESIGN												
	General												
	<i>Project Management</i>		1-PMG	1				\$ 175		\$ 175		\$ -	\$ 175
	<i>Design Meetings</i>	GoToMeeting	2-MTG	1	1			\$ 295		\$ 295		\$ -	\$ 295
	<i>Quality Control</i>		7-QC	2				\$ 350		\$ 350		\$ -	\$ 350
	<i>Cost Estimate</i>		6-COS	1	4	4		\$ 1,035		\$ 1,035		\$ -	\$ 1,035
	<i>Specs</i>	CDOT format	5-SPC	0.5	4		2	\$ 728		\$ 728		\$ -	\$ 728
a.	90% Design (FOR)												
	<i>Roadway</i>	Cover Sheet	25-ROA			0.5		\$ 48		\$ 48		\$ -	\$ 48
		Standard Plans List	25-ROA			0.25		\$ 24		\$ 24		\$ -	\$ 24
		Typical Sections	25-ROA		1	2		\$ 310		\$ 310		\$ -	\$ 310
		General Notes	25-ROA		1	1		\$ 215		\$ 215		\$ -	\$ 215
		Summary of Approximate Quantities	25-ROA			2		\$ 190		\$ 190		\$ -	\$ 190
		Project Tabulations -- NIC	25-ROA					\$ -		\$ -		\$ -	\$ -
		Survey Tabulations -- NIC	25-ROA					\$ -		\$ -		\$ -	\$ -
		Survey Control	25-ROA					\$ -		\$ -		\$ -	\$ -
		SWMP	25-ROA		2	4		\$ 620		\$ 620		\$ -	\$ 620
		MHT	25-ROA		1			\$ 120		\$ 120		\$ -	\$ 120
	<i>Traffic Calming</i>	Rumble Strip	25-ROA		0.5	2		\$ 250		\$ 250		\$ -	\$ 250
		Chicanes	25-ROA		4	8		\$ 1,240		\$ 1,240		\$ -	\$ 1,240
		Raised Crossings	25-ROA		4	8		\$ 1,240		\$ 1,240		\$ -	\$ 1,240
	<i>Utilities</i>	Impacts	21-DRA		2			\$ 240		\$ 240		\$ -	\$ 240
	<i>Drainage</i>	Roadway Drainage	21-DRA		8	2		\$ 1,150		\$ 1,150		\$ -	\$ 1,150
	<i>Right-of-way</i>	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	<i>Landscape</i>		1-PMG					\$ -		\$ -	\$ 3,000	\$ 3,000	\$ 3,000
	<i>Lighting</i>	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	<i>Permitting</i>	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
b.	Review & Meeting												
	<i>Meeting</i>	Prepare for Meeting	2-MTG		0.5			\$ 60		\$ 60		\$ -	\$ 60
		GoToMeeting	2-MTG	1	1			\$ 295	\$ 405	\$ 700	\$ 200	\$ 200	\$ 900
		Minutes of Meeting	2-MTG	0.25	1			\$ 164		\$ 164		\$ -	\$ 164
	<i>Site Walkthrough</i>	NA	31-VEH					\$ -		\$ -		\$ -	\$ -
c.	100% Design												
	<i>General</i>		2-MTG		1			\$ 120		\$ 120		\$ -	\$ 120
	<i>Specs</i>	CDOT format	5-SPC		1			\$ 120		\$ 120		\$ -	\$ 120
	<i>Roadway</i>	Cover Sheet	25-ROA			0.5		\$ 48		\$ 48		\$ -	\$ 48
		Standard Plans List	25-ROA					\$ -		\$ -		\$ -	\$ -
		Typical Sections	25-ROA		0.5	1		\$ 155		\$ 155		\$ -	\$ 155
		General Notes	25-ROA		0.5			\$ 60		\$ 60		\$ -	\$ 60
		Summary of Approximate Quantities	25-ROA		1	2		\$ 310		\$ 310		\$ -	\$ 310
		Project Tabulations	25-ROA					\$ -		\$ -		\$ -	\$ -
		Survey Tabulations	25-ROA					\$ -		\$ -		\$ -	\$ -

EVR TC~LORIS Scope of Work+Fee~2016-07-20
ALL PHASES

TASK #	TASK NAME	TASK DETAIL	Task ID	Pete PM	Kevin Civil PE	Leng Draft	Sandy Admin	LORIS Subtot	LORIS Expense	LORIS Total	TBD	SUBS Subtot	TEAM Subtot
		Survey Control	25-ROA					\$ -		\$ -		\$ -	\$ -
		SWMP	25-ROA		0.5	2		\$ 250		\$ 250		\$ -	\$ 250
		MHT	25-ROA		1			\$ 120		\$ 120		\$ -	\$ 120
	Traffic Calming	Rumble Strip	25-ROA		0.5	2		\$ 250		\$ 250		\$ -	\$ 250
		Chicanes	25-ROA		4	8		\$ 1,240		\$ 1,240		\$ -	\$ 1,240
		Raised Crossings	25-ROA		4	8		\$ 1,240		\$ 1,240		\$ -	\$ 1,240
	Utilities		23-UTI		1			\$ 120		\$ 120		\$ -	\$ 120
	Drainage		21-DRA		4	4		\$ 860		\$ 860		\$ -	\$ 860
	Right-of-way	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Landscape	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Irrigation		1-PMG					\$ -		\$ -	\$ 1,200	\$ 1,200	\$ 1,200
	Lighting	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Permitting	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
d.	Review & Meeting												
	Meeting	Prepare for Meeting	2-MTG		0.5			\$ 60		\$ 60		\$ -	\$ 60
		GoToMeeting	2-MTG	1	1			\$ 295		\$ 295		\$ -	\$ 295
f.	Final Approvals												
5.0	Bid Assistance												
a.	Bid Assistance												
	Pre-Bid Meeting	NIC	1-PMG					\$ -		\$ -		\$ -	\$ -
	Consultation		1-PMG		2			\$ 240		\$ 240		\$ -	\$ 240
6.0	Construction												
a.	CA	NIC											
	General												
		Review Shop Drawings/Submittals	45-CM					\$ -		\$ -		\$ -	\$ -
		Consultation	45-CM		4			\$ 480		\$ 480		\$ -	\$ 480
		Supplemental field Inspections -- Not in contract. These will be billed at an additional expense.	45-CM					\$ -		\$ -		\$ -	\$ -
		As-Built Plans -- Not in Contract	45-CM					\$ -		\$ -		\$ -	\$ -
								\$ -		\$ -		\$ -	\$ -
Total Hours				32	130	89	2	253					
Total Amount				\$ 5,556	\$ 15,540	\$ 8,479	\$ 160	\$ 29,735	\$ 960	\$ 30,695	\$ 7,600	\$ 7,600	\$ 38,295
							Checks-->	\$ 29,735	\$ 29,735				
	SUMMARY BY PHASE												
		Conceptual Design		24	68	28	0	\$ 15,020	\$ 555	\$ 15,575	\$ 3,200	\$ 3,200	\$ 18,775
		60%		0	0	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		Final Design		7.75	55.5	61.25	2	\$ 13,995	\$ 405	\$ 14,400	\$ 4,400	\$ 4,400	\$ 18,800
		Bid		0	2	0	0	\$ 240	\$ -	\$ 240	\$ -	\$ -	\$ 240
		CA		0	4	0	0	\$ 480	\$ -	\$ 480	\$ -	\$ -	\$ 480
		TOTAL		31.75	129.5	89.25	2	\$ 29,735	\$ 960	\$ 30,695	\$ 7,600	\$ 7,600	\$ 38,295
												Round up	\$ 39,000

- A. Provides at least 2 additional pocket parks, where the total new pocket park square footage required is 5,000 square feet. Such pocket parks shall be adjacent to a private or public street and shall include play features suitable for small children. The additional pocket parks shall be privately maintained and may be restricted to residents of Willits Town Center, unless publicly dedicated. Each pocket park shall be a minimum of 1,000 square feet.
- B. Each of Blocks 3, 4, 9, and 11 shall be provided with a loading area of a size to be approved by TRC.

10. The Developer shall fund a portion of the replacement of the current traffic calming devices located on East Valley Road by paying for two of three red concrete pedestrian tables to be installed in place of the current East Valley Road traffic-calming devices. The Developer shall reimburse the Town upon delivery of an invoice from the Town. Alternatively, at any time before the Town gives a notice to proceed for the Town's construction of the pedestrian tables, the Developer may provide notice to the Town that the Developer chooses to construct the two tables, at which time the Developer shall submit construction plans for the Town's review and approval and complete construction of the tables within 9 months of the Developer's notice. For clarity, the Town desires pedestrian tables such as the ones built on East Valley Road near the El Jebel BRT station.

Parking and Traffic:

- 11. The Developer shall provide off-street parking at a rate of 2.0 spaces for each two-bedroom free market unit instead of the 1.5 parking spaces required under the current PUD.
- 12. As recommended by the Colorado Department of Transportation, in the letter to Susan Philp, dated December 1, 2015, the Developer shall obtain a new Highway 82 access permit on behalf of the Town and install fiber optic cable in order to coordinate the traffic signals on State Highway 82. The Developer shall only be responsible for coordinating the El Jebel Road and Willits Lane signal (leaving the coordination with Willis Lane and Original Road to be done by others). The Developer is required to obtain the access permit before filing the plats for three more Blocks after Block 7 is filed, and to secure the improvement and complete construction no later than issuance of the first certificate of occupancy on the Third block filing. The Town agrees to seek other funding and will work with the Developer to expedite the improvement. Upon the written request of the Developer, to be made no later than the recording of the plat for the second block after Block 7 is filed, the Town will prepare the access permit application, and the Town will be responsible for the construction of such improvements. In that event, the Developer shall be required to reimburse the Town for all of its expenses and may be required by the Town to provide financial security for this obligation.

TOWN OF BASALT
Action Item

Date: November 15, 2016
From: James Lindt AICP, Assistant
Planning Director

SUBJECT: Continued First Reading of Ordinance No. 26, Series of 2016,
Approving of the Stott's Mill Reinstatement for the Single-Family
Section of the Development Plan and Sketch Site Plan Review and
Associated Reviews for Multi-Family Residential Section

DETAILS: MSP1 LLC. ("Applicants") is requesting approval for the following actions on the 18-acre Stott's Mill Property directly north of Basalt High School and east of Southside Drive: 1) Reinstatement of the 2009 Stott's Mill PUD approvals for the majority of the single-family section of the proposed development, and 2) Sketch Site Plan Review for the multi-family section of the proposed development to construct 156 dwelling units (could be up to 157 units if daycare changes to residential in the future) on the Stott's Mill Property.

More specifically, the Applicants have applied to annex the property into the Town and construct 60 single-family dwelling units and 96 multi-family dwelling units and two (2) parks in the same configuration as the parks that were included in the 2009 approvals. The Applicants have also agreed to provide a core and shell daycare space to be leased to a daycare provider at the average lease rate for the other daycares in the mid-valley. Also, an indoor tennis group has requested consent from the Applicants to construct an indoor tennis center in the South Park portion of the proposed development.

During the P&Z's review, Staff identified the following discussion items that are more specifically analyzed in the P&Z Memos attached in the 10/18/16 Council Packet:

1. Density
2. Childcare Contribution
3. Traffic Mitigation
4. Southside Drive Cross-Section
5. Sufficiency of Parks and Open Space
6. Indoor Tennis Center
7. Southside Drive Traffic Calming
8. Allison Lane Connection/Traffic-Calming
9. Vested Rights

The Council conducted a public hearing on October 18th at which the Council considered public comments and provided initial discussion regarding the proposal. Council did not take action on the draft ordinance at the October 18th meeting and instead continued the public hearing and first reading of the ordinance. At this meeting, Staff recommends that the Council hear a presentation from Staff and the Applicants, ask questions, take public comments, and then provide discussion. Staff suggests that the Council provide feedback on the density concepts being considered and provide direction to help the Applicants determine whether to go back and amend their development plan based on the 204-unit concept or continue on in the development review process with the initial 156-unit application.

Additional Density Concept: The Applicants introduced at the last meeting that they would be interested in the Council considering the potential for them to develop additional density beyond the 156 dwelling units included in the Application. In response, a couple of Council members indicated an interest in what the Application would look like if the Applicants were going to develop additional density.

As a result, the Applicants have provided a conceptual site plan for a project that would include 204 dwelling units. This alternative conceptual site plan would convert the two central blocks of single-family development into an additional three (3) apartment buildings and would have a mix of 168 multi-family units and 36 single-family units. As part of the Applicants' concept for increasing the density, the Applicants have expressed that they would increase their contribution to the Cody Lane/Basalt Avenue roundabout from approximately \$165,000 commitment to fund the entire roundabout improvement. Additionally, the Applicants have indicated that they would increase their deed restricted affordable housing proportionally with the increase in the overall project density.

In evaluating the concept of including an additional 48 units in the development program, Staff believes that the additional 48 units would be considerably beyond the density range for the site included in the Master Plan. Staff also feels that the Town is already dealing with a difficult traffic situation in southside and that the additional 48 units would further burden the situation and require a more significant reduction in the potential for development of other properties in Southside. Finally, Staff is of the opinion that a proposal for an additional 48 units would require the Applicants to go back to the P&Z for a new sketch plan application as the single-family portion of the project would no longer resemble the single-family portion of the 2009 approved development plan.

The Applicants and Staff would like to get feedback from the Council as to whether the Council is interested in seriously considering the more dense concept.

Financial Analysis: The Council asked for the Applicants to provide the project's financial information to the Town's financial consultant, Bruce Kimmel from Ehlers Public Finance. As a result, the Applicants provided financial information on both the 156-unit proposal that is in the Application and the 204-unit concept that the Applicants have provided for consideration. Kimmel has evaluated both project concepts and provided a referral letter (attached) for the Council consideration. Additionally, Kimmel plans to attend the Council meeting to present his findings.

Tennis Center: This item is proposed to be discussed on December 13th as a worksession. After the last Council meeting, some Council members had a series of questions related to the tennis center concept. The questions received by Staff are as follows:

1. What is the rationale for having Town requirements for open space mitigations in developments, used for other development?
2. Does changing Town requirements from open space to a dedicated tennis center merit a separate council work session?

3. What is the history and financial plan of the tennis club for construction and long term financial viability? Is any Town financial contribution expected or required?
4. If the Town is going to lease or donate land to a private or non-profit entity, that it would otherwise own, should the new entity and its proposed uses go through the same independent financial and marketing analysis as other groups are required to undergo?
5. Should the approximately two acres of Town owned open space be subject to an independent market valuation, before allowing a major deviation in use?
6. What is the history of the Stotts Mill tennis group approaching Crown Mountain about weatherizing three or four of the existing tennis courts? There is an existing overlap of parking, active parks, expertise and common goals at Crown Mountain. A tennis center there could occur without depriving future residents of open space uses, or general visual enjoyment, in a very dense residential project.
7. Would the renters and owner in Stotts Mill be able to use the tennis center land as a park for two years, while waiting to see if the tennis group could secure financing?
8. The tennis group should be prepared to discuss with the Council why the Town should pre-empt the wishes of the several hundred future renters and owners of Stotts Mill as to their recreational desires for the land. Keeping it more or less flat provides a future opportunity for the home owners association to petition the Town for a change in use and to raise the funds to provide that use.
9. Can the applicant or Staff put up wall illustrations of the 4.5 acres of improved park land in relation to the overall project from the 11/17/09 landscape plan? Are there illustrations of the required 4 tennis courts and 2 basketball courts and Town storage structures also available?

Staff has received additional information (attached) from Diana Elliot addressing some of the questions. Additionally, Staff has worked on providing answers to the questions about Town Policy. Question No. 2 above hints at having a separate worksession on the tennis center concept as there are many aspects to the tennis center proposal that need consideration. Staff believes it would be appropriate to have a separate worksession on the tennis center and recommends that this be scheduled for December 13th.

Reaching Out to Southside Residents: Council provided discussion about it being important for the Applicants to reach out to Southside residents regarding the Application. The Applicants indicated that they would be happy to reach out to the Southside HOA, but Staff and the Applicants felt it necessary to decide whether the Council was interested in the additional density concept and which concept would be pursued prior to reaching out to the Southside HOA.

RECOMMENDATION: Staff recommends that the Council hear a presentation from Staff and the Applicants, ask questions, take public comments, and then provide discussion. Staff suggests that the Council provide feedback on the density

concepts being considered and provide direction to help the Applicants determine whether to go back and amend their development plan based on the 204-unit concept. If the Council believes that the 156-unit plan proposed in the Application is appropriate, the Council could approve the Ordinance on first reading with the understanding that more discussion on the tennis center concept and more outreach to the Southside HOA would occur before second reading.

RECOMMENDATION FROM OTHER BOARDS: The P&Z recommended approval of the reinstatement of the approvals for the single-family portion of the development and the sketch plan for the multi-family portion of the development for 156 units with conditions.

The POST Committee also recommended allowing for the tennis center and in the event that a tennis center. In the event that the tennis center cannot obtain the necessary funding, the POST Committee supported the installation of an active park in the South Park.

RELATED TOWN STATUTE AND TOWN ACTIONS: Town Code Chapter 15, *Annexation*, Town Code Section 16-267, *Amendment Procedure*; Town Code Chapter 16, Article VI, *Site Plan Review Requirements and Standards*; Chapter 16, Article XIX, *Housing Mitigation*; Town Code Section 16-65, *Approval Procedures for PUD Amendment*; Town Code Section 16-31, *Supplemental Requirements for the R-4 Mixed Density Residential District*.

ATTACHMENTS: A) Applicant's 204-Unit Concept Plan, B) Kimmel's Financial Analysis, C) Site Plan Showing the Portion of the Development Subject to Final Plan Approval and the Portion Subject to Sketch Plan, D) Comparison Between 2009 Approval and Current Proposal, E) Additional Information Provided by Tennis Center Group, F) Draft Ordinance

Items Provided in October 18th Council Packet: Excerpts from Application, P&Z Memos and Minutes, Excerpts from Revised Traffic Report, Public Correspondence

November 10, 2016

James Lindt, Assistant Planning Director
Town of Basalt
101 Midland Avenue
Basalt, CO 81621

RE: Stott's Mill – Increased Density Option

Dear James:

The purpose of this letter is to outline a possible option for an increase in the number of dwelling units that arose from comments made at the October 18 Council meeting. We met on October 20th and discussed one alternative development option for the project and reviewed past costs that have been incurred related to the project. The option for development that we discussed included the following:

- The conversion of the Blocks 2 and 3 from a “narrow lot” single-family area to a multifamily concept similar to what is presently proposed as Phase 2.
- 3 multifamily buildings would be proposed – each building being up to three stories in height; dimensions 70' x 130'
- a total of 72 dwelling units would be accommodated if the structures are three stories in height
- 24 single-family detached homes would be removed from the project
- the resulting plan would result in an increase of 48 units for a **total of 204**

Benefits the Town would receive are an additional 10 to 12 Affordable Housing units, and funding the entire the Mini-roundabout which is been discussed as part of the Southside Transportation improvement network.

I briefly addressed the land-use process in an earlier letter. We believe that any increase in the number of units y could be achieved through the standards of the R-4 Mixed Density Zone District. Stott's Mill would provide all required additional information as part of the combined Preliminary/Final Plan application.

Please contact me if you have any further questions.

Sincerely, Mark chain

Sincerely,

Mark Chain

Mark Chain, Planner

November 9, 2016

James Lindt, Assistant Planning Director
Town of Basalt
101 Midland Avenue
Basalt, CO 81621

RE: Stott's Mill – R-4 MD Compliance for Potential Increase in Density

Dear James:

Thanks again for your cooperation in the review of Stott's Mill and helping coordinate the review of financial information and the possible addition of dwelling units to the project. One of your questions was how an increase in density could affect the land use application and whether it was more appropriate to move forward with a PUD application for the project rather than utilize the R-4 MD District for a portion of the project.

I took the liberty of analyzing the reconfiguration of Blocks 2 and 3 of the plan which you previously saw for the increased number of dwelling units. I analyzed this area relative to the standards in the Basalt Municipal Code for the R-4 Mixed Density Zone District and have included the attached spreadsheet. The reconfiguration would fall into the standards of the R-4 MD Zoning, and of course it would be subject to a Final Site Plan Review by both the Commission and the Council. All performance standards appear to be met. The FAR is very similar to the phase 2 area – 0.68:1. Such an FAR is above the threshold standard of 0.5:1 but below the 0.8:1 which can be approved by the Council as part of a public hearing.

An issue that is always discussed as part of any development review is traffic generation. Sopris Engineering has estimated the increase in Average Daily Trips for the potential increase in units. We can provide this calculation for you and can also provide a quick turnaround on ADT for any potential land-use modification.

The data indicates to me that if the Council is willing to evaluate additional density for Stott's Mill, that a combined Preliminary/Final Plan would be possible without going through the entire PUD process. We've all been evaluating the site for over a decade and the Development Team has the ability to quickly turn around a combined/preliminary/final plan.

Mark Chain Consulting, LLC

Page 2

I hope this background material helps in your valuation. Feel free to call me so we can discuss.

Sincerely,

Mark Chain

Mark Chain, Planner

R-4 MIXED DENSITY STANDARDS- Comparison - Blocks 2&3

Item	Multifamily	Provided
Min Lot area (SF)	7500	107912
Max Building Ht. (ft)	33	33 ft max
High pt. pitched roof	35	35 ft max
Max # Stories	3	3 (max)
Min Lot width	70	conforms
Setbacks	Applies to Bldgs	
Front setback		
Major collector	10	
Local rd	10	12 to 22
Rear yd. (ft.)	10	12 to 22
Side Yd. (ft.)	5	25
Max FAR	Note 3	0.68:1*
Max lot coverage	none	
Min landscaped Open Space	10%	will conform
Max Unit Size		
3 BR	1385	
2 BR	1135	below 1135
1 BR	965	below 965
ADU	NA	
Min Unit Size		
3 BR	1000	
2 BR	750	900
1 BR	580	650
Efficiency	415	
ADU	NA	
Max Garage Size	NA	
Separation between Bldgs	15 - down to 5	60

* Assumes ave unit size of 850 SF + additional 20% common area within buildings



Memo

To: Town of Basalt, Colorado
From: Bruce Kimmel, Senior Municipal Advisor
Date: November 11, 2016
Subject: Fiscal Analysis of Stott's Mill Housing Proposals

MSP1 LLC (the Applicant) has requested the Town of Basalt's consideration of a 156 to 204-unit residential development on the Stott's Mill parcel in Southside Basalt. Town staff has indicated that the 156-unit plan (Applicant's Option A) is at the top of the density range allowed by the Town Master Plan's land use designation for the parcel, and therefore, the 204-unit plan (Option B) will likely require a new review process. The Applicant has represented to us that its own, ongoing internal analysis may prove the 156-unit plan unviable, making a shift to a higher-density plan a necessity.

Acknowledging this uncertainty but wishing to advance its review of the Applicant's proposal, the Town has engaged Ehlers to help it evaluate whether the Applicant's proposed unit densities are needed for the project to prove financially feasible, given Town exactions and other reasonably expected development costs and operating cashflows. In order to obtain the information required to answer this question, Ehlers agreed to a confidentiality agreement that prevents us from divulging the Applicant's specific fiscal assumptions at this preliminary stage of the Stott's Mill project. We may detail our conclusions, however, and reference the project components that comprise the Applicant's current land use proposal(s) to the Town.

Project Components

In October 2009, the Town approved a previous Applicant plan for 103 affordable and resident-occupied units (allocated across 4 different categories), 7 free market units, a 3,300 square foot daycare facility and a 4.5-acre park. The Applicant's planned mix for its two current options is as follows:

	<u>Option A</u>	<u>Option B</u>
Affordable Lots for Sale	10	10
Free Market Lots for Sale	47	23
Stott Family Parcel	1	1
Daycare Facility	1	1
Daycare Playground	1	1
Affordable Units for Rent	20	33
Free Market Units for Rent	76	135
Total Housing Lots / Units	156	204

The Applicant proposes to construct the 96 to 168 planned multifamily rental units in buildings of 24 units each (i.e. 4 buildings in Option A; 7 in Option B). The Applicant will prepare and sell the residential lots (57 lots in Option A; 33 in B) to parties seeking to develop single-family homes. In both scenarios, one lot would be dedicated to the Stott Family and two lots would be used for a daycare facility (Applicant to construct and lease to a daycare provider). Further, the Applicant will develop the 4.5-acre park as previously agreed, and plans to build an 18-space garage for rent by apartment tenants.

Executive Summary

Ehlers reviewed the Applicant's Option A and B fiscal projections and found them to be feasible in terms of demonstrating a reasonable prospect of sustained positive cashflow. That said, we identified four areas (discussed below) lacking the specificity that Ehlers would need to calculate a probable range of returns on investment for Options A and B. In addition, the Applicant estimates very low (by industry standards) and nearly identical Internal Rates of Return (IRR) for Options A and B. This projection leads us to question (a) why the Applicant wishes to pursue this project, versus an alternative investment with stronger prospective returns, and (b) whether the higher-density Option B is in fact more financially viable than Option A.

Financial Analysis

The Applicant provided Ehlers with preliminary development budgets and operating proformas for Options A and B, as well as records of pre-development costs that it has incurred for the project from its inception in August 2005 through October 2016. In analyzing this information, we identified four areas that need clarification for Ehlers to calculate, with confidence, a probable range of returns on investment.

First, the development budget. Lot development and building costs (together, the "hard costs") comprise 75-80% of the Applicant's total estimated development costs, but are based on a general cost of X per lot and Y per building square foot, and with no cost changes over the planned 2 to 3-year building timeframe. The Applicant does not yet have engineer / contractor estimates of specific infrastructure and lot grading plans, or of specific building designs. Instead, the Applicant indicates that its cost estimates reflect a basic extrapolation of prior apartment project costs to this proposed project.

Second, the operating proforma. The Applicant's proforma has lot sale proceeds and apartment rental revenues that tie out to corresponding project components, but it does not include vacancy allowances or typical operating cost items such as payroll, utilities, maintenance, and property taxes. Instead, it estimates all such costs at 30% of gross rental revenues, with this estimation based on its experience with three other owned properties. The profit and loss statements provided by the Applicant to substantiate this 30% operating cost proxy, however, do not appear to do so – leaving us in need of a more detailed indication of the Applicant's expected operating cashflows.

Third, the project funding plan and return on investment. The Applicant's combined construction and operating proforma assumes 100% equity funding of the Stott's Mill

project, with no construction or permanent debt financing. (Note: The Applicant's proforma includes construction loan interest but no corresponding construction loan proceeds or payoff, so we deleted this two-year expense item to make the Applicant's proforma consistent with itself.) An all-equity funding plan is rare for projects of this type and relatively large scale, given developers' normal desire to minimize equity exposure and maximize leverage of other capital resources.

In addition, the Applicant's 100:0 equity-to-debt ratio has the result of reducing the projected IRR, as compared to the same project with a more typical ratio of 40:60 or 30:70. Ehlers' analysis indicates that changing the equity-to-debt ratio in Option A or B increases the IRR by 1-2% (e.g. from 4% to 6%), only a modest improvement and still well below the industry standard range of 14-20% (or more). But we note that IRR is, in reality, driven more fundamentally by project costs and operating cashflows – that is, the first two areas that we identify as requiring clarification.

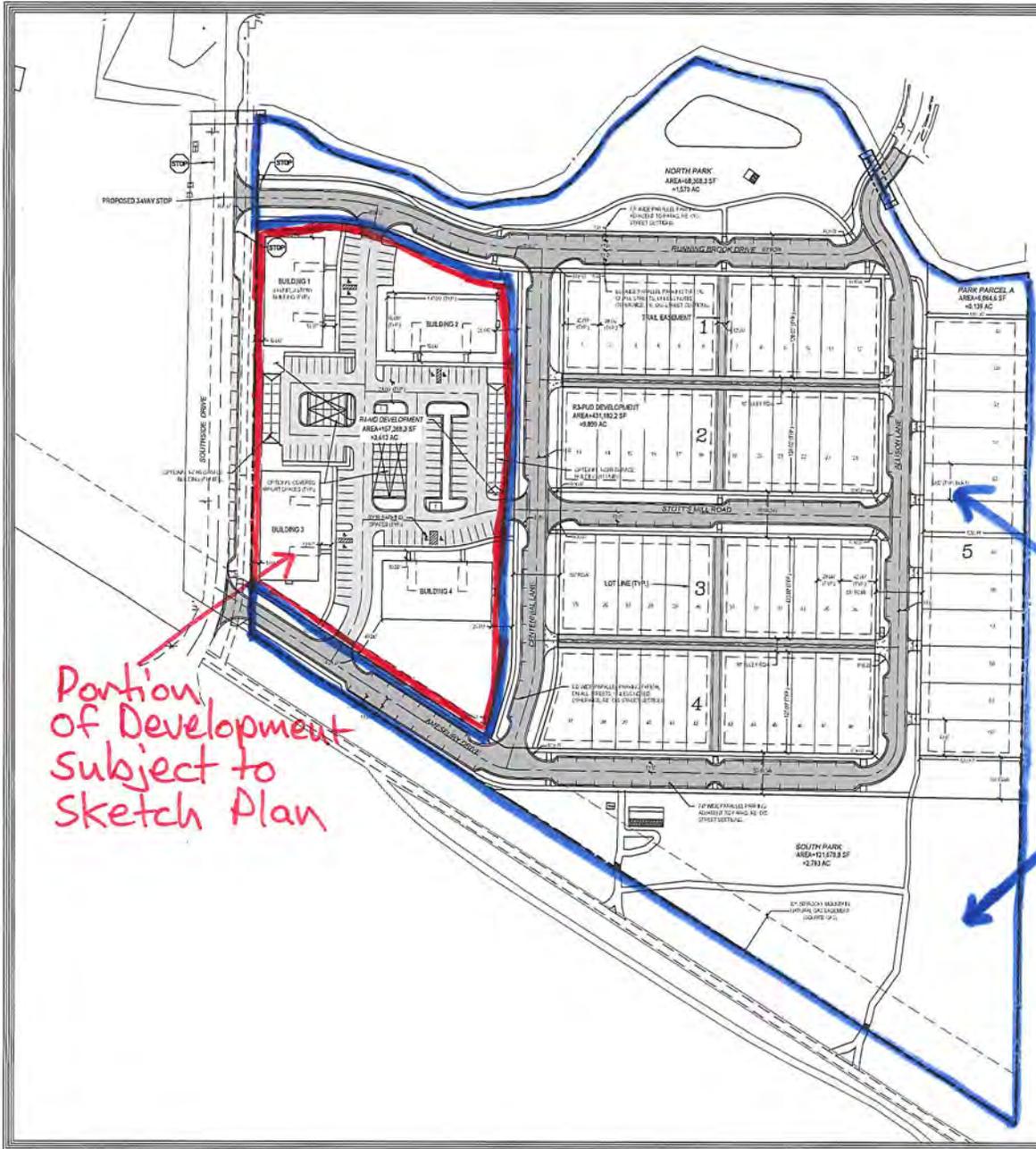
Fourth, the lack of an apparent density "benefit". Returning to the Town's initial question of density and feasibility, Option B allocates the project's estimated site / utility costs and overall "soft costs" over a denser, higher value development, with 72 more revenue-generating multifamily units and 24 fewer lots with one-time sale proceeds. This would suggest Option B being significantly more profitable than Option A, but as noted above, the projected returns – as measured by both IRR and cash-on-cost – are roughly equivalent between the proposals. Further, while Option B has the prospective advantage of larger net cashflows, this benefit is offset to some degree by the risks associated with more equity exposure and a larger number of units to keep occupied.

Conclusion

Ehlers reviewed the Applicant's Option A and B fiscal projections and found them to be feasible in terms of demonstrating a reasonable prospect of sustained positive cashflow. "Feasible", however, does not mean "reasonably profitable", as the Applicant's own marginal IRR estimate illustrates. As such, the Town may wish to undertake further analysis of the four topics discussed above, to obtain a clearer understanding of the project's financial dynamics and the Applicant's rationale for a higher-density plan.

Nevertheless, in spite of our continued areas of interest, we should stress that our analysis did not raise any "red flags" that cause us to question the feasibility of the project, or of the Applicant's ability to complete and operate the project as proposed.

Please contact me at (651) 697-8572 or bkimmel@ehlers-inc.com with any questions about Ehlers' fiscal analysis, and thank you for the opportunity to be of assistance to the Town of Basalt.



Portion of Development Subject to Sketch Plan

Portion of Development Subject to 2009 Approval Reinstatement

STOTT'S MILL DENSITY SUMMARY TABLE

STOTT'S MILL	DESCRIPTION	AREA (SF)	AREA (AC)	UNITS	UNIT TYPE	DENSITY (UNITS/ACRE)
PHASE 1	BLOCK 1	45,120	1.04	13	SINGLE FAMILY	11.59
	BLOCK 2	45,120	1.04	12	SINGLE FAMILY	11.59
	BLOCK 3	45,120	1.04	12	SINGLE FAMILY	11.59
	BLOCK 4	45,120	1.04	12	SINGLE FAMILY	11.59
	BLOCK 5	45,120	1.04	12	SF/DUPLEX	8.32
ROW	186,870	4.20	N/A			
TOTAL	432,180	9.90	80		6.06	
PHASE 1 PARKS	NORTH PARK	68,308	1.57	PASSIVE/UTILITIES		
	PARK A	6,095	0.14	PASSIVE/UTILITIES		
	SOUTH PARK	122,670	2.79	ACTIVE		
PHASE 2	DESCRIPTION	AREA (SF)	AREA (AC)	UNITS	UNIT TYPE	DENSITY (UNITS/ACRE)
	MULTI FAMILY	157,888	3.61	96	APARTMENTS	26.57
TOTAL AREA		784,053	18.04			

STOTT'S MILL PARKING SUMMARY

PHASE 1	UNITS	PARKING REQUIRED	PARKING PROVIDED		%
			LOT	STREET	
BLOCK 1	12	26	24	13	27
BLOCK 2	12	26	24	13	27
BLOCK 3	12	26	24	13	27
BLOCK 4	12	26	24	13	27
BLOCK 5	12	26	25	0	28
PHI SUB TOTAL	60	160	132	54	188
PHASE 2	96	182	148	44	193
NORTH PARK	N/A	N/A	N/A	10	16
SOUTH PARK	N/A	N/A	N/A	23	23
TOTAL	156	372	281	137	418

STOTT'S MILL PUD
 BASIN, COLORADO
 SITE PLAN - LAND USE & PARKING TABLES
 PRELIMINARY FOR REVIEW

REVISION: _____
 DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____

SO: _____
 REVISION FOR FIRE DEPARTMENT: _____
 DATE: _____
 P/P: _____
 DATE: _____

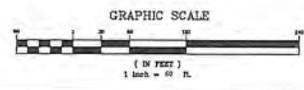
SO: _____
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 REVISION FOR FIRE DEPARTMENT: _____
 DATE: _____
 P/P: _____
 DATE: _____

SOPRIS ENGINEERING, LLC.
 CIVIL CONSULTANTS
 1000 W. 10TH AVE. SUITE 100
 DENVER, CO 80202
 PHONE: 303.733.1111
 FAX: 303.733.1113



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 Know what's below.
 Call before you dig.
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DATE: 05/05/10
 JOB NO.: 15111
 SHEET: 04

c) Site Plan

Final

D) Comparison
Between 2009
Approval +
2016 Proposal
(156-unit)
Option

DEVIATIONS BETWEEN CURRENT PLAN AND 2009 DEVELOPMENT PLAN AND APPROVAL

The development, zoning and site plan for the 2016 Stott's Mill project is very similar to the 2009 Plan approval. Many of the changes are small details and often times center around specific obligations of the previously approved Affordable Housing Plan. We have provided a "strikethrough" version of the 2009 approval ordinance (Ordinance No. 19 - series of 2009) in the application so one can see point by point changes and comments on virtually each condition of approval (in Section 4 – Miscellaneous documents).

Similarities with 2009 Plan Approval

In the big picture, the project has the following similarities:

- Parks and Open Space Plan that is nearly identical – Open Space is virtually the same acreage and there are only minor deviations.
- A street and alley system running for the single-family area in an east-west orientation. This assists with provision of solar access.
- The single-family area has relatively narrow, long lots with the average widths being 28 feet and 42 feet with the exception of the east most row of lots (Block 5).
- The alley system allows access from the rear of the lot so street frontage is not interrupted by street cuts, and dominated by garages.
- The majority of the street frontage will have front porches as the defining element in a New-Urbanism format.
- Allowance for a right-of-way connection with the parcel to the east which is currently undeveloped.
- Design of a three-way stop with Southside Drive which will allow construction of a mini-roundabout in the future.
- Request to provide housing to the RE-1 School District in lieu of dedicating land.
- HOA will maintain the irrigation systems in North Park and South Park and maintain the alleys.
- Complies with Open Space conditions including those concerning the Home Supply Ditch with the exception of the "active play area" in the southeast corner of South Park which was characterized by tennis courts and basketball courts.

- Condition in draft Ord. requires
Tennis Center of Active Park
in South Park

Differences with 2009 Plan Approval

- Affordable Housing will comply with 2015 changes to the Town of Basalt Affordable Housing Guidelines. One option is that the majority of Affordable units will be rental units within the multifamily area which is now designed for buildings with a total of 96 apartment units. The Applicant is also looking at providing some "for sale" housing that would meet affordable housing guidelines in the single-family area. The final mix will need to be determined as we work through the total cost of the project including the allowed category unit sale prices and allowed rental rates. (Note: If what is listed as Phase 1 in this application proceeds to construction first and separately from Phase 2, Affordable Housing to meet code will be part of that Development Program).
- Related to specific conditions on Affordable Housing items – as the Applicant will comply with current Housing Guidelines, many of the individual conditions mentioning "owner/builders", "critical workers" and an "anti-flip device" will no longer be necessary from any future approval.
- A total of 60 single-family, narrow lots are proposed for the Phase 1 area (63 approved in 2009).
- The eastern row of lots in Phase 1 (Block 5) has been slightly modified. The lots are now approximately 43.5 in width and there are 12 of them as opposed to the former plan which had somewhat larger lots. These lots have the same depth as the other single-family lots within the Development (approximately 120 foot in length). Lot sizes average about 5,235 SF.
- The Phase 2/multifamily area is proposed now to be characterized by apartment style units. No individual ownership is being proposed. The Phase 2 plan proposes for three-story apartment buildings with each building having 24 apartment units – for a total of 96 units.
- Removal of the following conditions from the new Stott's Mill Plan:
 - A bid for installing infrastructure or vertical construction for Parcel C of the Basalt Design District.
 - Day care unit. The applicant suggests that the Day care facility be put in another location that is closer to the main transportation corridors in Basalt. A day care facility should probably be relatively large with a correspondingly large recreation area (in proximity to State Highway 82 or Two Rivers Rd.)
 - Car share program (provision of two parking spaces in right-of-way and \$200 per unit)

- Day care Core + Shell and cashore fee required by draft conditions



E) Additional
Information
Provided by
Tennis Center
Group

1. What is the history and financial plan of the tennis club for construction and long term financial viability?

This is in the pro forma that was given to the council. We also included a construction costs budget and drawings of the tennis center along with comparisons of other tennis centers in resort areas. We also included a FAQ in your original packet. Should you need this information again, we are happy to put it in a packet for you.

We have raised \$540,000.000 to date and have only stopped the fundraising until we have a signed agreement from TOB to put the tennis center at Stotts Mill. We are on hold with grant applications from the USTA and the Daniel's fund. Now that the developer has asked for a 3 court tennis center, the costs of the construction will be less. Once again, USTA studies have shown that with a 3 courts you may make a bit more money and will definitely break even, but with 4 courts you do make a profit. It is up to the TOB to decide what type of revenue they want to make from the tennis center.

The developer has agreed to grade and run utilities water, heat and sewer, to the tennis center so that Fabric Structures and Renner can come in and put the courts and building in. Working with Dorothy Howard of Basalt Rec. we would help her to find a director of tennis that would ensure the overwhelming success of the Tennis Center. We have several candidates in mind that could step in from the first day and turn a profit within the first year so that it is self sufficient.

2. Is any town financial contribution expected or required?

We would hope that the Town would want to contribute to the tennis center either with a sponsorship donation or help with a market study. We also expect the Town to take over the operation and maintenance of the tennis center as the town will be receiving all of the revenues from the tennis center and would have a permanent home for the recreation dept. I believe that Dorothy Howard should be part of this discussion. We would like to work with her so that it is designed for her offices and storage space.

3. What is the history of the Stotts Mill tennis group approaching Crown Mountain about weatherizing three or four of the existing tennis courts? There is an existing overlap of parking, active parks, expertise and common goals at Crown Mountain. A tennis center there could occur without depriving future residents of open space uses, or general visual enjoyment, in a very dense residential project.

The Ad-In! group initially approached Crown Mountain with this and we also believed this would be a great place to put the tennis center. Three years ago Chris Woods was the executive director and he had the experience of running such a center and gave us both encouragement and direction to further study a tennis center at CM.

With the change of both the staff and board, there was a different cautionary approach to this. We heard from the staff that they did not feel that they could run such a amenity as they lacked experience in this area. The CM Board felt that it would be a burden on them financially as the only source of revenue would be through the mill levy fund.

Furthermore some board members, did feel that the Crown Mountain Park should remain a open space and preserve with no buildings on it. Robert Hubbell, CM President and Aimee Conrady, a former CM board member, felt that a more appropriate place for the tennis center would be by the high school as it was close to the schools and would become a part of the sports complex. It would be more assessable to the school kids without having parents drive them to their after school activities and it was on the bus line.



4. The tennis group should be prepared to discuss with the council why the city should pre-empt the wishes of the several hundred future renters and owners of Stotts Mill as to their recreational desires for the land. Keeping it more or less flat provides a future opportunity for the home owners association to petition the city for a change in use and to raise the funds to provide that use.

Since these future owners and renters will most likely be families that will be attending Basalt public schools and participating in sports, I would think they would welcome a place to be able to play year round and practice. Tennis is a family sport more so than any other sport that is played today.

It is my understanding that if the tennis center is not built, that the developer has to put in 2 basketball courts and 4 tennis courts as its amenity for the neighborhood. We are proposing a place that can be used by the neighborhood year round and not just in the summer when the weather is conducive to outdoor activities.

Either way it would be a plus for the owners and renters to have a active park year round, then one that shuts down 9 months out of the year and in the evening time. The two other tennis courts in Basalt are slated to be removed when the RFSD decides to build employee housing. Once those are gone there will be no place to play tennis in Basalt. This will be a very tragic loss for the Town of Basalt and the schools.

One only has to go by RVR and look at their tennis courts and programs to see how successful it works within a neighborhood. The tennis programs are a strong part of the neighborhood and they also allow the public to participate in their tennis programs. It is very successful and the head pro Christina can answer questions on how it works.

Additional benefits for the Town Of Basalt Council to think about:

- A million dollar facility given to the Town of Basalt through grants, private donations and sponsorships in partnership with Eagle and Pitkin County. The opportunity for Basalt to have the only public indoor tennis center will not come again and it is totally unique to the Roaring Fork Valley.
- The Tennis Center will not compete with any other recreation facility in the entire RFV.
- The Tennis Center will provide new jobs in the Park & Recreation Industry. It has the potential to be just as successful as the Basalt Soccer Club, only on a year round basis.
- This will spur additional business to the downtown businesses. This would be in the area of dining and loading when tournaments are held and or people play at the tennis center.
- Reduces the urban sprawl by concentrating the facility within walking distance for the Stollis Mill residences and Basalt school students while providing another opportunity for a tennis class at Basalt High School. Thus continuing to fight obesity among our youth.
- Provides office space and storage for the Basalt Recreation dept., giving this dept. a permanent home in which to oversee the recreation activities.
- The tennis center can and will be built 3 to 4 feet below grade so that it will be no higher than any of the other houses in development.
- A million dollar facility that tax payers will not have to fund in order to be built.
- A new profit center for the Basalt Recreation District that will fund other activities and will not be a drain on the Town of Basalt Coffers.

Operating Budget - AD IN	
Indoor Tennis Courts	
Income	
Court Rental Revenue	\$ 85,669
Seasonal Rental Revenue	\$ 48,720
Lessons/Clinics Revenue	\$ 14,144
High School Revenue	\$ 1,500
USTA Revenue	\$ 4,800
Other	\$ 2,000
Total Income	\$ 156,833
Expense	
Personnel	\$ 67,224
Utilities	\$ 35,362
Other	\$ 18,320
Contingency	\$ 7,281
Total Expense	\$ 126,951
Net Profit/Loss	\$29,882

Operational Budget (Projected)						
Expenses	Number	Unit	Cost/unit	Cost/Wk	Cost/Yr	Notes
Personnel						
Part Time Staffing	81	hrs/wk	\$ 14	\$ 1,134	\$ 58,968	9am-5pm wkend, 8am-9pm wkdays, 6 mo/yr
PT Benefits - 14%					\$ 8,256	FICA, Unempl, Work Comp
Personnel Total					\$ 67,224	
Utilities						
Electricity: Lighting & Ventilation	1	year	\$ 13,524		\$ 13,524	Based on Brite-Lite estimate
Heating	15680	therms	\$ 0.88		\$ 13,798	600K btu/hr*14hr/d*160 d (SG) (7 d/wk)
Water & Sewer					\$ 3,000	\$350/mo summer; \$150/mo winter
Telephone/Internet/Cable	12	month	\$ 120		\$ 1,440	
Trash Removal	12	month	\$ 50		\$ 600	
Equipment & Building Maintenance					\$ 3,000	
Utilities Total					\$ 35,362	
Other Expenses						
Insurance					\$ 1,200	
Security/Fire Alarm	12	month	\$ 100		\$ 1,200	
Office Supplies					\$ 3,000	
CC Proc. Charges, Bank Fees					\$ 5,400	
Marketing/Printing/Postage					\$ 1,000	
Janitorial Supplies					\$ 2,000	
Tennis Balls	6	month	\$ 60		\$ 4,320	cases per month * 12 months
First Aid Supplies					\$ 200	
Other Expenses Total					\$ 18,320	
Total Operating Expenses					\$ 120,906	
Contingency					\$ 6,045	5% of total operating expenses
				Total	\$ 126,951	

Operational Budget (Projected)				
Revenue		Notes		
Court Reservation Fees	\$ 85,669	<i>From detail sheet</i>		
Season "Rental"	\$ 48,720	<i>From detail sheet</i>		
Lessons/Clinics	\$ 14,144	<i>From detail sheet</i>		
High School Matches/Practice	\$ 1,500	<i>From detail sheet</i>		
USTA Team Matches	\$ 4,800	<i>From detail sheet</i>		
Other	\$ 2,000			
Total	\$ 156,833			

Revenue from Court Reservations						
<i>(COMPLETELY DEPENDENT ON DECISIONS OF FOLLOWING SHEETS)</i>						
	1	2	3	4	Hrs/day	Notes
Total Available Hours						
Per Year	3819	7638	11457	15276	11.5	365 days per year
In Winter	1892.25	3784.5	5676.75	7569	11.5	November-April
In Summer	1926.75	3853.5	5780.25	7707	11.5	May-October
Price/hour Court Time						
In Winter	\$40		Expected Revenue:		\$85,669	
In Summer	\$20		(3 courts rented 25% of time)			
100% rented						
In Winter	\$75,690	\$151,380	\$227,070	\$302,760		
In Summer	\$38,535	\$77,070	\$115,605	\$154,140		
	\$114,225	\$228,450	\$342,675	\$456,900		
50% rented						
In Winter	\$37,845	\$75,690	\$113,535	\$151,380		
In Summer	\$19,268	\$38,535	\$57,803	\$77,070		
	\$57,113	\$114,225	\$171,338	\$228,450		
25% rented						
In Winter	\$18,923	\$37,845	\$56,768	\$75,690		
In Summer	\$9,634	\$19,268	\$28,901	\$38,535		
	\$28,556	\$57,113	\$85,669	\$114,225		
10% rented						
In Winter	\$7,569	\$15,138	\$22,707	\$30,276		
In Summer	\$3,854	\$7,707	\$11,561	\$15,414		
	\$11,423	\$22,845	\$34,268	\$45,690		

Seasonal Rental of Courts				
Price/hour Court Time				
In Winter	\$40			
In Summer	\$20			
Weeks of Season				
In Winter	26			
In Summer	26			
Cost per 1.5 hrs w/ no discount	1x/week	2x/week	3x/week	
In Winter	\$1,560	\$3,120	\$4,680	
In Summer	\$780	\$1,560	\$2,340	
Winter Seasonal Rental Rate	Non prime time	Prime time (4-10PM) (~10% discount)		
For 1 time/wk of 1.5 hours	\$560	\$840		
For 2 times/wk of 1.5 hours	\$1,100	\$1,640		
For 3 times/wk of 1.5 hours	\$1,640	\$2,440		
Summer Seasonal Rental Rate	Non prime time	Prime time (9-11AM, 7-10PM) (~10% discount)	<i>*leagues may choose to buy seasonal rentals, but this is not factored in here. (see separate rev. from USTA page)</i>	
For 1 time/wk of 1.5 hours	\$250	700		
For 2 times/wk of 1.5 hours	\$400	1360		
For 3 times/wk of 1.5 hours	\$500	2020		
Expected Revenue	Expected number of:			
	<i>1x/week</i>	<i>2x/week</i>	<i>3x/week</i>	Revenue
Winter				
Non Prime Time	2	5	1	\$8,260
Prime Time	3	5	4	\$20,480
Summer				
Non Prime Time	2	5	1	\$3,000
Prime Time	3	5	4	\$16,980
Total Expected Revenue				\$48,720

Revenue from Lessons/Clinics				
	to pro	to CM		
Split with Pro:	75%	25%		
Price per 1 hour private:	\$ 60			
Expected privates/week:	10			
Price per person in clinic:	\$ 20	<i>1.5 hr clinics</i>		
Expected persons/clinic:	4			
Expected clinics/week:	5			
Price per person in practice:	\$ 20	<i>1.5 hr practices/group</i>		
Expected practices/week:	3			
Expected persons/practice:	6	<i>minimum required</i>		
Source:	Private	Clinic	Practice	Total
Total Revenue/week	\$ 600	\$ 400	\$ 360	\$ 1,360
Revenue to Pro	\$ 450	\$ 300	\$ 270	\$ 1,020
Revenue to TOB	\$ 150	\$ 100	\$ 90	\$ 340
Total Revenue/year	\$ 31,200	\$ 20,800	\$ 18,720	\$ 70,720
Revenue to Pro	\$ 23,400	\$ 15,600	\$ 14,040	\$ 53,040
Revenue to TOB	\$ 7,800	\$ 5,200	\$ 4,680	\$ 17,680
Total Revenue/year, discount 20% to account for "off season" weeks, etc.	\$ 24,960	\$ 16,640	\$ 14,976	\$ 56,576
Revenue to Pro	\$ 18,720	\$ 12,480	\$ 11,232	\$ 42,432
Revenue to TOB	\$ 6,240	\$ 4,160	\$ 3,744	\$ 14,144

Revenue from High School Practice and Matches				
Boys:				
Average home matches/year:	5			
Hours per match:	3			
Weeks of practice/season:	4			
Practices/week:	3			
Hours/practice:	1.5	3:30 - 5 pm		
Hours required for practice:	18			
Girls:				
Average home matches/year:	5			
Hours per match:	3			
Weeks of practice/season:	6			
Practices/week:	3			
Hours/practice:	1.5			
Hours required for practice:	27			
Total hours/ct required for practice:	45			
Total hours/ct required for matches:	30			
Number of courts for practice:	2			
Total hours required for practice:	90			
Total hours required for matches:	60			
Charge per court per hour:	\$ 10			
Total revenue:	\$ 1,500			

Revenue from USTA Team Matches				
		Notes		
Number of Teams	20	Men, women & mixed, full year		
Home Matches per Year	4	Per team per year		
Courts per Match	3			
Hours per Match	3			
Total Courts Needed per Year	240			
Total Home Matches per Year	80	<i>for scheduling, average 2 matches</i>		
Total Court Hours per Year	720			
Charge per Court per Match	\$ 20			
Revenue from USTA Team Matches	\$ 4,800			
Charge per Match (3 courts)	\$ 60			



FAQ's about the Public Indoor Tennis Center

Why does the Roaring Fork Valley need a public, indoor tennis facility?

The Roaring Fork Valley currently does not have any public, indoor tennis courts. By building such a facility, the RFV can host tournaments and draw visitors to town that will help our economy grow. The Center will also make Basalt and the surrounding community a better place to live by giving its residents a year-round place to exercise, gather and play. The summer Park and Recreation leagues will be able to continue their programs during the cold weather months. The facility will also give kids the opportunity to play tennis in the winter who wouldn't otherwise have that option.

Location

Why was this location chosen?

The location of the facility will be part of the Stotts Mill Neighborhood and adjacent to the Basalt High School sports complex off of Highway 82. This creates a great opportunity for all tennis players in the Roaring Fork Valley to have a mid-valley location to play tennis year round.

Is the site on a flood plain?

No, this site is not on a flood plain.

Why should the facility be near other sports venues?

We believe that by having the indoor tennis center near the other sports fields, it will increase awareness and usage of the tennis facility. Parents may also find it less hectic to have their kids walk to practices after school for different sports because they are housed near each other. Visitors will locate the facility easier with restaurants and hotels near by that will meet their needs and make their visit to the mid-valley and Basalt more convenient.

Type of Structure

What type of structure will be built?

The plan is to build a 4 court, steel structure. Steel buildings can be insulated more effectively, providing more efficient energy utilization and lower costs. They are durable and they require little maintenance. These buildings have an indefinite useful life if properly maintained.

Project Costs

What is the total cost of the project?

The cost of the project is estimated to be \$1,300,000.00

How do you plan on raising the funds for the project?

The AD-IN! group will raise funds for the facility by asking for support from individuals, businesses, foundations and other sources of revenue.

What if the the required funding in not achieved?

All donations are held in a bank account until necessary funding level is reached. If the funding is not achieved with in two years of approval from the Town of Basalt, all donations will be re-funded in full.

How much will it cost to run the facility?

It will cost approximately \$130,127. a year to run the facility with. This includes staffing, office supplies, equipment and building utilities. Our business plan calls for the facility to be self-sufficient operationally in the first year,

Covering the Existing Courts

How big is the structure and how many courts will it cover?

This facility will be one building 128' wide 250' long steel structure that will cover four indoor courts. Building specifications will be set at the highest standards.

Why did you choose four courts?

According to USTA figures, with three courts you are sustainable, with four courts you can run two courts open for the public, two courts for programs and lessons and use all four courts for tournaments. This allows the tennis center to make a profit for the Town of Basalt. Four courts will also allow for the development of a substantial tennis center.

When would you like to break ground?

Once the necessary funds are raised, the center will take approximately six months to complete. Our goal is to break ground in the Spring of 2017 or when Stotts Mill is annexed into the Town of Basalt. Ground-breaking is contingent upon successful fundraising efforts.

When would the facility open its doors? When can I play there?

If ground breaking takes place in the Spring of 2017 the facility would most likely open in the Fall of 2017.

Will local contractors build the center?

Yes. In fact, the AD-IN! group is engaged in discussions with local firms that could do the work such as the foundation, lighting and heating. We are planning on working closely with C.O.R.E. to make the tennis center as green and efficient as possible.

Management of the Facility

Who will own and manage the facility?

The Town of Basalt and the Basalt Recreation Department will own the building and will hire personnel to operate the facility and programs.

Is the facility public or private?

The facility will be public.

Do you have to be a member to play?

You will not need to be a member to play, but club memberships will be available. Membership benefits will include the ability to make a court reservation 7 days in advance instead of a 4-day advance reservation.

What court hours would be available to the general public?

The facility will be open 7 days/week, from 9:00 in the morning until 9:00 in the evening. It is understood that sometimes courts would be used for tournaments, RFSD school matches, Inter -club leagues, USTA leagues and special events. All which will generate money for the TOB coffers.

What would court fees be?

Court fees are planned to be \$24 per court hour in the winter and \$20. per court hour in the summer. This court fee is divided among the number of players on the court for the reserved time period. Private lesson fees are anticipated to cost \$60 per hour. Junior lesson program fees would be similar to our parks and recreation fees and range in price from \$40 - \$75 for a five week session. Our lessons are kept very affordable in order to reach a wide variety of the population.

Can Basalt and the Roaring Fork Valley support indoor courts year round?

Basalt and the Roaring Fork Valley are drastically underserved by a shortage of indoor courts. We currently have six indoor courts that are located at private facilities. The USTA states that in cold weather climates a population of 15,000 can sustain one indoor court. The Roaring Fork Valley Area, which includes Aspen to Glenwood (we have included all the way to Rifle and New Castle), had a population of 79,216 in 2013. Using the USTA formula, the Roaring Fork Valley with the towns of Rifle and New Castle could support at least 3 indoor courts. When adding in high school tennis matches and practices that would support a 4th court.

Are four indoor courts enough?

With the addition of the two middle school courts in Basalt, this will provide six courts from which to run tournaments and serve the public. With four courts at Crown Mountain this will now make the mid-valley the premier public tennis destination.

Programming

What will the Center offer? Lessons? Leagues?

The Basalt indoor tennis center plans on offering group and individual lessons, leagues for kids and adults, as well as clinics, drills and special events. The goal of the facility will be to provide people of all ages, with and without tennis experience, a place to play. It will also host the Basalt High School tennis matches and server as their practice courts. This also opens up an opportunity to continue with the tennis program offered though Basalt Middle school and continue at the high school level.

Will there be programs for disadvantaged youth?

The Basalt indoor tennis center will be a community tennis facility serving tennis players of all ages and incomes and encouraging these students to develop tennis, academic, and life skills in a safe, healthy environment.

My work schedule doesn't allow me to play during the week. Will there be league play on weekends?

The goal of the Basalt indoor tennis center is to provide programming that will be meet the needs of all players and so if the demand is there there will be league play on weekends. In addition we will have inter-club leagues.

Will the Crown Mountain indoor courts have USTA teams?

The tennis center will continue to allow USTA teams to use the Basalt facilities for summer USTA leagues. It will also open up the opportunity for a year round USTA Junior Team tennis league for the youth of the valley.

Donations

Why should I contribute?

We hope that you will contribute to the AD-IN! campaign because it is good for the community, our kids and good for growing the sport of tennis. It will help make the mid-valley an even better place to live.

How can I contribute?

Please send your contributions to:

AD-IN!
218 E. Valley Rd. Suite 104
PMB 309
Carbondale, CO 81623

I can't make a big donation. Do small donations make a difference?

Yes, every contribution, no matter the size, will help build the Basalt indoor tennis center. Please contribute today.

How can I find out about different giving levels and naming opportunities?

Please contact us at advantageindoortennis.org for information about giving levels, benefits to donors and naming opportunities.

How will my donations be treated?

The AD-IN! group shall utilize contributions only for the purpose and in furtherance of the Basalt public indoor tennis court project and facility to be located in Basalt, CO at the Stotts Mill neighborhood adjacent to the BHS sports complex.

Does the AD-IN! group have tax-exempt status?

Yes, the AD-IN! group is a tax-exempt charitable organization as described in and pursuant to I.R.S. 501 (c) (3) and eligible to receive tax-deductible contributions. Please consult your accountant for further guidance on tax exemptions.

James Lindt

From: Diana Elliott <dee@bearchitct.com>
Sent: Monday, June 27, 2016 9:23 AM
To: Mark Chain; Briston Peterson
Cc: James Lindt; Susan Philp; Mike Scanlon; jacque whitsitt
Subject: Tennis Center at Stotts Mill
Attachments: Letter_Lindt_Tennis Center 20160613.pdf; ATT00001.htm

Good morning Mark and Briston,

James Lindt forwarded your letter to me about your decision on the tennis center at Stott's Mill. I would like to address some of your concerns in the letter:

1. **Open Space at Stotts Mill:** In your plat you have both open space by Building 4 and open space at the North Park which has a pond. I live in River Ranch and we have a pond and tennis courts. When our residents our spending time in the neighborhood they spend it at the pond and tennis courts. This is the gathering place for the neighborhood and you will find that the residents of Stott's Mill will spend most of their time at the park that has the pond. If you have ever been to the high school during the summer weeks or on the weekends, you will see people using the track and the soccer field. What you do not see, is people in the park along Southside drive that Southside provided for their neighborhood to use. Most of the time this open space park is under utilized.

2. **Parking at Stott's Mill:** In your letter you mentioned the parking at South Park. Most of the use for this facility will be on the weekends, early morning or in the evening time. The tennis center is supported by the Roaring Fork School District and parking at Basalt High School will be available. In fact, you can restrict the parking to BHS should you choose to do so, and this would allow park users to park at South Park only. There are plenty of parking spots at BHS that would accommodate the 16 cars (that would be the total number of doubles players at any given time on the courts if they drove separately) that the tennis center would generate.

3. **Tennis Center as Proposed:** We would be willing to reduce the size of the tennis center to 3 courts in order for it to be more accommodating to your neighborhood. We are willing to work with you on this and if you would like we can bring in Loretta Conway from Steamboat Springs or Christina Kika from River Valley Ranch to inform you about the success of their tennis programs. We feel that having an active indoor tennis center would actually enhance your selling of the neighborhood lots. If you have ever been to River Valley Ranch in Carbondale, you would see first hand how many residents participate in tennis programs there.

4. **Recreation Dept. Offices:** We fully support having Basalt's recreation department's office in the tennis center. This only makes sense since Dorothy would oversee the hiring of the tennis director for this position and it would allow her to have an office by the fields and basketball courts that she uses in her programs. I do not believe there would be space for any other Town offices in this building as we do not want to make it any larger than what we have proposed.

5. **Appropriate Mid-Valley Location:** We strongly feel that this is the most desirable location for a tennis center in the mid-valley. Having it by Basalt High School allows it to be part of a sports complex that includes the football field, the soccer field, the baseball and softball field and the basketball gym. It will be used by the girls and boys basalt high school tennis team, the PE classes at BHS, the Stotts Mills Residents, the Basalt Community and the communities of Aspen, Eagle, Pitkin, Carbondale and Glenwood Springs. Supporters of ours that will also benefit are the Buddy Program, Town of Basalt Recreation dept., Basalt Middle and High School tennis clubs and the Roaring Fork School district.

I would like to further discuss the merits of having a tennis center at Stotts Mill. This will be a asset to the Stott's Mill neighborhood and will make it the most desirable place to purchase a lot and live in the Mid-Valley. Thank you again for your time.

Diana C. CordovaElliott
President
Advantage Indoor Tennis Group
970-927-4693

F) Draft
Ordinance
(Note: This is
same Ord. as
presented on
Oct. 18th)

TOWN OF BASALT, COLORADO
ORDINANCE NO. 26
SERIES OF 2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, REINSTATING AND AMENDING THE 2009 STOTT'S MILL DEVELOPMENT APPROVALS FOR THE SINGLE-FAMILY PORTION OF THE STOTT'S MILL DEVELOPMENT, INCLUDING UP TO 61 DWELLING UNITS, A PUBLIC FACILITY/DAYCARE, AND THE DEDICATION AND IMPROVEMENT OF RIGHTS-OF-WAY AND PARKS ON THE SINGLE-FAMILY PORTION OF THE STOTT'S MILL PROPERTY AND GRANTING SKETCH SITE PLAN APPROVAL FOR THE MULTI-FAMILY PORTION OF THE DEVELOPMENT FOR UP TO 96 ADDITIONAL DWELLING UNITS, TOGETHER WITH EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF BASALT AND PROVIDING INITIAL TOWN ZONING FOR THE SINGLE-FAMILY PORTION OF THE STOTT'S MILL DEVELOPMENT

RECITALS:

A. On or about February 8, 2016, a Petition for Annexation (the "Petition") and an Annexation Map were filed with the Town of Basalt by MSP 1 LLC. ("Applicant") on behalf of Alice Stott, owner ("Petitioner") of 100% of the land area described in the Petition and known as Stott's Mill. The legal description of the Property is attached hereto and incorporated herein by this reference as **Exhibit A** (the "Property").

B. The Town Council is considering the reinstatement and amendment of the approval granted in 2009 pursuant to Ordinance No. 18, Series of 2009 for the single-family portion of the development and a Sketch Site Plan review for the Multi-Family portion of the Development proposal.

C. The Planning and Zoning Commission considered the requests at a public hearing beginning on July 15, 2016, and continuing through August 16, 2016. Throughout the meetings, evidence and testimony was offered by the Applicant, Staff and members of the public. The Planning and Zoning Commission recommended that Town Council approve the reinstatement of the Final PUD Plan for the single-family portion of the development and approve the sketch site plan review for the multi-family portion of the development.

D. At a public hearing held on September 27, 2016, the Town Council considered the application on first reading and continued the public hearing and first

Please return to:
TOWN OF BASALT
101 Midland Avenue
Basalt, CO 81621

reading to October 18, 2016. At the continued public hearing and first reading on October 18, 2016, the Council continued the public hearing and first reading to November 15, 2016. At a continued public hearing and first reading on November 15, 2016, the Town Council approved the ordinance on first reading and set a public hearing and second reading for the ordinance for December 13, 2016.

E. At a continued public hearing and second reading on _____, 2016, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.

F. The Town Council finds and determines it is in the best interests of the Town to approve the application. The Town Council finds and determines the annexation of the Property and approval of this ordinance is reasonably necessary to promote the legitimate public purposes of the public health, safety and welfare.

G. The Town Council finds that the Property is eligible for annexation in accordance with the Municipal Annexation Act and including the following findings:

1. The applicable requirements of §§ 31-12-104 and 31-12-105, C.R.S., have been met and satisfied including the following:

a. Not less than one-sixth of the perimeter of the Property is contiguous to the Town of Basalt, Colorado;

b. A community of interest exists between the Property and the Town of Basalt, Colorado;

c. The Property is urban in character or will be urbanized in the near future;

d. The area proposed for annexation is integrated with or capable of being integrated with the Town;

e. In establishing the boundaries of the area proposed for annexation, no land held in identical ownership whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate has been divided into separate tracts or parcels.

f. No tract or parcel of real estate comprising twenty (20) acres or more with an assessed valuation including buildings and improvements in excess of two hundred thousand dollars (\$200,000.00) for ad valorem taxes for the previous year has been included within the area proposed for annexation without the written consent of the land owner; and

g. The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the current municipal boundary except with respect to a parcel of property held in identical ownership at least 50% of which is within the three mile limit.

2. The Petition has been signed by the owners of more than 50% of the Property.

3. No additional terms or conditions with regard to the requested annexation are imposed except pursuant to an annexation agreement approved and agreed to by 100% of the owners.

4. An annexation election is not required and the Town is authorized pursuant to § 31-12-111, C.R.S., to annex the area described in the Petition by Ordinance.

5. Pursuant to Sections 31-12-108 & 31-12-109, C.R.S., notice and hearings were conducted.

6. The property subject to the application is located completely within the Town's Urban Growth Boundary established in the 2007 Basalt Master Plan.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Basalt:

1. The Town Council incorporates the recitals and all exhibits as references, findings of fact, determinations, and conclusively makes all of the findings of fact, determinations and conclusions contained herein and a determination pursuant to C.C.R. 29-20-301 that there is adequate water supply.

2. The Property described as the single-family portion of the development in the Petition and described on **Exhibit A** attached hereto is hereby annexed to and made a part of the Town of Basalt, Colorado; the Annexation Map of the Property and including other tracts annexed simultaneously herewith is approved; and the Mayor and Town Clerk are authorized to execute the Annexation Map. The multi-family portion of the development will not be approved for annexation until it receives final development approvals.

3. The annexation of the Property is expressly conditioned on the execution and recording of the Annexation Agreement between the Town and MSP 1 LLC,. If the Annexation Agreement shall not be executed and recorded within 180 days of the effective date hereof, this Ordinance shall be void and of no further effect and the Property shall not be annexed. The Annexation Agreement is incorporated herein by reference and is hereby approved with such reasonable changes and modifications as are not inconsistent herewith and as are expressly approved by the Town Planner and

the Town Attorney to effectuate the intentions of the parties or to comply with applicable law. The Mayor or Mayor Pro Tem of the Town are hereby authorized and directed to execute, and the Town Clerk or any deputy Town Clerk are authorized to authenticate and affix the seal of the Town to the Annexation Agreement, and the Town Manager is further authorized to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable in connection therewith. The execution of any instrument by said officials shall be conclusive evidence of the approval by the Town of such instrument in accordance with the terms of such instrument and this Ordinance.

4. The Town Clerk of the Town of Basalt, Colorado, on behalf of the Town shall comply with the filing and recording requirements of Section 31-12-113, C.R.S.

5. The Town hereby approves the land use approvals necessary to reinstate and amend the 2009 approvals on the Single Family portion of the development, including the parks, the daycare, and the roads. The Single Family portion of the Project is rezoned as follows and is hereby approved subject to the conditions set forth in **Exhibits B-K** attached hereto:

- a. R-3 TN with a PUD overlay shall apply to all of the single-family lots.
- b. P Public Zone District/R-3 TN with a site plan approval shall apply to Lots 37 and 38, Block 4 that are to accommodate the 4,000 square foot public facility and associated outdoor play area, with potential reversion to dwelling units.
- c. P Public Zone District for the two public parks.

6. An approval packet comprised of the Stott's Mill Annexation Agreement; this Ordinance No. 26, Series of 2016; the Stott's Mill Master Subdivision Improvements Agreement, a copy of the Final Plat for Stott's Mill; and each of the documents approved by this Ordinance and Exhibits thereto shall be assembled by the Applicant, reviewed for completeness by the Town Planner and when determined complete, shall be noted as such in writing by the Applicant and the Town Planner and labeled "Final Development Approval" for the single-family portion of the development, which shall be available for review at the office of the Town and is incorporated herein by this reference as if set forth in full. The Applicant shall comply in all respects with the Final Development Approval.

7. The Official Zoning Map for the Town shall be and is hereby amended to show the zoning designation of the Property as described herein.

8. The approvals and conditions contained herein shall be binding on and inure to the benefit of the heirs, successors and assigns of the Applicant and the owners of the Property.

9. This Ordinance, after fully executed, shall be recorded in the office of the County Clerk and Recorder.

10. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON TUESDAY, _____, 2016, by a vote of __ to __ on October 18, 2016.

READ ON SECOND READING AND ADOPTED, by a vote of __ to __ on _____, 2016.

TOWN OF BASALT, COLORADO

By: _____
Jacque R. Whitsitt, Mayor

ATTEST:

By: _____
Pamela K. Schilling, Town Clerk

Ord__-AnnexStottsMill.doc

First Publication: Thursday, _____, 2016

Town of Basalt, Colorado
Ordinance No. 26, Series of 2016
Page 6

Final Publication: Thursday, _____, 2016
Effective date: Thursday, _____, 2016

EXHIBIT A

Area Included in Land Use Approvals:

A PARCEL OF LAND SITUATED IN GOVERNMENT TRACT 59, SECTION 18, TOWNSHIP 8 SOUTH, RANGE 86 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF PITKIN, STATE OF COLORADO LYING NORTHERLY OF THE DENVER AND RIO GRANDE WESTERN RAILROAD NORTHERLY RIGHT-OF-WAY, SOUTHERLY OF THE HOME SUPPLY DITCH CENTERLINE, WESTERLY OF THE EASTERLY BOUNDARY OF SAID TRACT 59, AND EASTERLY OF THE EASTERLY BOUNDARY OF GOVERNMENT TRACT 62, ALSO LOCATED IN SAID SECTION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT ANGLE POINT NO.7 OF SAID TRACT 59, A BRASS CAP FOUND IN PLACE; THENCE N 00°48'57" E 468.71 FEET ALONG SAID TRACT 59 EASTERLY BOUNDARY TO A POINT ON SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY, THE POINT OF BEGINNING; THENCE LEAVING SAID BOUNDARY N 57°19'47"W., ALONG THE NORTHERLY BOUNDARY LINE OF SAID DENVER AND RIO GRANDE WESTERN RAILROAD RIGHT-OF-WAY A DISTANCE OF 1080.27 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE; THENCE LEAVING SAID RAILROAD RIGHT-OF-WAY N 00°56'41"E ALONG THE EASTERLY RIGHT-OF-WAY OF SOUTH SIDE DRIVE A DISTANCE OF 617.68 FEET TO A POINT IN THE CENTERLINE OF THE HOME SUPPLY DITCH; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING TWENTY-TWO (22) COURSES ALONG THE CENTERLINE OF SAID DITCH:

1. S71°30'44"E A DISTANCE OF 56.82 FEET
2. S52°47'38"E A DISTANCE OF 45.26 FEET
3. S71°16'14"E A DISTANCE OF 45.18 FEET
4. S77°30'53"E A DISTANCE OF 51.82 FEET
5. S55°29'58"E A DISTANCE OF 42.09 FEET
6. S64°52'48"E A DISTANCE OF 35.10 FEET
7. N77°18'12"E A DISTANCE OF 44.99 FEET
8. N84°16'01"E A DISTANCE OF 47.61 FEET
9. N62°06'35"E A DISTANCE OF 31.56 FEET
10. N38°04'24"E A DISTANCE OF 78.37 FEET
11. N50°24'51"E A DISTANCE OF 50.37 FEET
12. N44°49'09"E A DISTANCE OF 50.79 FEET
13. N54°25'44"E A DISTANCE OF 33.75 FEET
14. S70°22'45"E A DISTANCE OF 50.06 FEET
15. S77°27'06"E A DISTANCE OF 60.23 FEET
16. S76°09'47"E A DISTANCE OF 44.40 FEET
17. S50°00'52"E A DISTANCE OF 30.88 FEET
18. S28°25'48"E A DISTANCE OF 51.32 FEET
19. S26°14'19"E A DISTANCE OF 98.77 FEET

- 20. S31°09'46"E A DISTANCE OF 51.73 FEET
- 21. S58°48'51"E A DISTANCE OF 51.97 FEET
- 22. N82°37'03"E A DISTANCE OF 82.93 FEET TO A POINT

ON THE EASTERLY BOUNDARY OF SAID TRACT 59; THENCE LEAVING THE CENTERLINE OF SAID DITCH S00°48'57"W ALONG SAID TRACT BOUNDARY A DISTANCE OF 1015.25 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 18.014 ACRES, MORE OR LESS.

Area Approved for Annexation by this Ordinance:

To be Added before Second Reading (Includes Single-family Lots, Parks and Roads within the Development)

EXHIBIT B

DEVELOPMENT PLAN AND COMMUNITY BENEFITS

1. Final approval of the Reinstatement and Amendment of the 2009 Stott's Mill approvals for the portion of the 2016 Final Development Plan which includes the 60 individual lots on Blocks 1-5 (whether used for Single family dwellings, a child care or manager's unit); the north park and south parks; and the public street network.
2. Sketch Plan approval of up to 96 multi-family units.
3. The development shall satisfy annexation requirements for park and trail improvement and dedication improvements as described further in Conditions No 1 of Exhibit "G". A public bathroom shall be provided in South Park which can also be used by users of the RFTA valley wide trail and designed to accommodate winter use of the Nordic trail. This bathroom may be incorporated into the Tennis Center provided an exterior entrance is provided.
4. *Dependent on Applicant's final negotiation with the School District* - The development shall provide a community housing program that provides teacher housing in lieu of land dedication, in the form of two (2) deed-restricted Category 3 units as further described in Condition No. 8 under "Attainable Housing" and Condition No. 1 under "Phasing and Approval Documents".
5. The Applicant shall construct and receive a core and shell CO on a daycare facility of at least 4,000 square foot core and shell daycare space on the first floor of the building on Lots 37 and 38, of Block 4, with the associated fenced playground space as generally shown as the Option B Preferred Layout on the Peak Architects (Anderson's) site concept plan dated 8-4-2016.
6. The Applicants shall lease the space to a daycare based on the following:
 - a. The daycare use will be the priority use for the facility; and,
 - b. The Applicant shall lease the space to a daycare provider at the market lease rate (considering the lease rates for Growing Years, Blue Lake, Learning Curve, and Honey Tree) for mid-valley daycare space as determined by the Town Manager; and,
 - c. If a licensed and qualified daycare provider cannot be found to lease the space at the terms identified in 4(b) above within ninety (90) days of the issuance of a core and shell certificate of occupancy on daycare building, the Town

Council may choose to put another public use in the space for the lease rates described above. If the Council chooses not to put another public use in the space based on those terms, the Applicant may convert the space into two additional free-market dwelling units.

Similarly, if a daycare provider occupies the space and then vacates the space and the building sits vacant for a period of one year or greater, the Town Council may choose to put another public use in the space for the lease rates described above. If the Council chooses not to put another public use in the space based on those terms, the Applicant may convert the space into two additional free-market dwelling units.

d. The minimum lease term for a daycare shall be five (5) years, unless waived by the Town Council.

5. The development shall satisfy the annexation policy for a minimum 1% Real Estate Transfer Assessment to be used for community benefits. Dwelling units which sell for \$1 Million or more shall have an additional 1% RETA so that the RETA is a total of 2% for those dwelling units.

6. *(To be deleted once FEMA approves the changes to the floodplain map for southside and eliminated the need for river improvements.)* The Applicant, his successors and assigns shall agree to be in a special district to help fund river and flood prevention improvements. River improvements are needed to ensure better vehicle exiting for all of Southside in the event the south side flooding occurs. While the district is not established at the present time, the requirement is that all annexations contribute to the funding of needed river improvements. This type of project would be assessed at a lesser extent than properties in the floodplain or adjacent to the river which benefit to a much greater extent by the improvements. This requirement shall be documented in the PUD control document, subdivision covenants, annexation agreement, or other type of development agreement, as determined by the Town Attorney.

7. The development shall comply with the Town's Sustainable Building Regulations and all other applicable building codes in effect at the time of building permit. Each single-family residential unit shall have a minimum Home Energy Rating System (HERs) rating index of lower than 80 points (equates to a score of 90 points on the old HERs Scoring System) that will be verified at building permit by the Town's Building Official and meet any green building and energy conservation regulations adopted by the Town at the time of building permit issuance.

8. The Applicant shall identify two (2) parking spaces for use of the carshare program once initiated on the final PUD plan to be recorded. The TRC shall review and approve of the location of the spaces. The Applicant or successors shall pay \$200 per

dwelling unit at the time of building permit to the Town for use in implementing a carshare program or other green initiatives at the discretion of the Town's Green Team Advisory Board.

EXHIBIT C
ATTAINABLE HOUSING

1. As represented in the application, the dwelling unit breakdown for the project shall be as follows:

Type of Units	Deed-Restricted, Price-Capped Units	Free-Market Units
	31 Dwelling Units plus 2 for dedication to the School District (Note- Applicant still in discussions with School District)	123 Dwelling Units

- a. The Community Housing units developed in Stott’s Mill shall meet the requirements established in the Community Housing Guidelines as in effect on the effective date of this ordinance.
- b. The category-level units shall have a maximum initial sales price that does not exceed an average price that would be affordable to an individual or household making 100% of Basalt’s Weighted AMI as defined by using the sales price formula established in the Basalt Community Housing Guidelines.
- c. The Applicant shall identify which multi-family units are to be deed-restricted as Category-level units prior to submitting a Final Site Plan Application on the Multi-Family portion of the development. Additionally, the 10 lots within

the development may be used to meet the affordable housing mitigation requirements and shall be deed-restricted for the construction of Category units satisfying the following requirements:

- i. First priority to purchase the ten (10) vacant lots shall be provided to the School District and Habitat for Humanity unless another entity is approved for priority by the Town Council.
 - ii. The maximum sales price for the 10 lots to be used for affordable housing mitigation shall be further discussed and defined between Staff and Applicant prior to the Council's review.
- d. In the event that the Applicant only receives final approval to reinstate the single-family development portion of the project and does not receive final approval on the multi-family development, the Applicant would be required to meet the Town's affordable housing mitigation requirements of 20% of the units and 25% of the residential square footage being deed-restricted at a maximum Category 3 rate in the single-family portion of the development.
2. The Applicant shall participate with the Town's designated housing administrator or other similar entity to participate in down payment assistance programs.
3. Up to one floor of development may occur above the daycare may be used as the Multi-family's Management Office and a dwelling unit for the Applicant's Resident Manager may be located on above a daycare facility.
4. The initial HOA dues and assessments and changes to the HOA dues and assessments over time for the Category housing units shall be as required by the Community Housing Guidelines, as amended from time to time. The Applicant shall provide a revised draft initial HOA budget for review and approval by the TRC prior to recording the necessary annexation documents. The revised HOA budget shall include a sufficient capital improvement fund. The HOA dues and assessments for the category-level units are based on assessed value as discussed in the Town's Community Housing Guidelines and in no instance shall the HOA dues and assessments for the Category-level units be more than 80% of the HOA dues and assessments for the free-market units.
5. The small lots (28-foot wide and 42-foot wide) shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant. Each of the small lots includes parking on-site for two cars and the parking requirement for a three-bedroom dwelling unit is rounded up to three parking spaces for these lots. The other uses shall be code compliant in terms of parking.

6. The live/work and home occupational aspects of the Stott's Mill development are approved as represented in the Application, as further clarified herein. The inhabitants of the multi-family dwelling units shall be permitted to use up to 15% of their allowable square footage as home occupation space. The single-family lots to be zoned R-3 TN PUD shall permit home occupations that do not employ more than 1 FTE that does not live on the premises and shall be allowed to use up to 30% of their allowable square footage as home occupation. All home occupations shall also comply with the remainder of the home occupation requirements set forth in the Town Code.
7. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.
8. *Dependent on Applicant's final negotiation with the School District.* The Applicant shall deed restrict two (2) units, consisting of one studio and one 1-bedroom unit, as Category 3 Units and then deed the Units to the RE-1 School District. The two (2) units for School District employees shall obtain Certificates of Occupancy (CO) and be deeded to the School District before the issuance of COs prior to the completion of half of the units within the development. The School District units shall be part of the HOA and the School District will pay the HOA dues and assessments applied to comparable community housing units in the development.
9. The apartment units proposed to be category-level rental units shall be rented at no more than the maximum rental rates and pursuant to the rental provisions established in the Community Housing Guidelines, as may be amended from time to time. The Applicant shall grant 1/10th of one percent ownership interest in each such rental unit to the Town of Basalt and hold the Town harmless for any liability incurred related to the Town's ownership. The Applicant, for itself and its successors and assigns, agrees that the limitations on rent contained in this ordinance is the result of a voluntary agreement between the Applicant and the Town within the meaning of CRS 38-12-301(2), and that the Applicant, for itself and its successors and assigns, hereby waives any claim that the rental housing required by this ordinance is in violation of CRS 38-12-301.

In the event that the Applicant wishes to sell any of the rental category units, the Town shall deed the Town's ownership interest back to the Applicant and the category-level community housing units would be required to be sold according to the provisions in the Community Housing Guidelines for sale units in affect at the time and the Applicant must record a new deed restriction to meet the

requirements in the Community Housing Guidelines for owned units. If at any time, a court of competent jurisdiction finds that the Applicant's agreement to rent the multi-family units at below market-rate rents violates a state or federal law, or if the Town determines that the rental deed restrictions are unenforceable, then the units shall be sold to qualified buyers as defined in the Town's Community Housing Guidelines at the maximum initial sales prices specified for the category of unit (Category 1, 2, 3) that they are designated, and the Applicant must execute a new deed restriction to meet the requirements of the Community Housing Guidelines for owned units.

10. One of the Category 3 units shall be first offered for rent for a 60-day period to full-time daycare employees employed within the town limits of Basalt and if the unit is ever condominiumized and sold, it shall be first offered for sale for daycare employees working in the town limits of Basalt for 60-days each time it is offered for sale. In the event that qualified employee that works within a daycare cannot be found to rent or purchase the unit, it shall be offered for rent or sale subject to the rental and sale provisions for a Category 3 unit in the Community Housing Guidelines.
11. The Applicant shall include language in the Master Declaration of Covenants generally consistent with the following:

If any Property or Unit is sold as a foreclosure sale or otherwise acquired by any person or entity in lieu of foreclosure, the Town, Pitkin County, or Eagle County, shall have the option to enter into an agreement to acquire such Property or Unit within sixty (60) days after the following:

- (i) the issuance of a public trustee's deed to the purchaser, or
- (ii) receipt by the Town of written notice from such person or entity of the acquisition of such Lot or unit in lieu of foreclosure, as applicable, for an option price not to exceed
 - (a) in the event of a foreclosure, the redemption price on the last day of all statutory redemption periods and any additional reasonable costs incurred by the holder during the option period which are directly related to the foreclosure, or
 - (b) in the event of a transfer in lieu of foreclosure, the amount paid, or the amount of debt forgiven, by the transferee plus the reasonable costs incurred by the transferee with respect to its acquisition of such Property or Unit.

Except for persons or entities having a lien on a Property or Unit as provided herein, only "Qualified Buyers" as that term is defined herein or the Town, Pitkin County, or Eagle County may acquire an interest in a Property or Unit at a foreclosure sale or in lieu of foreclosure. If any person or entity having a lien on a Property or Unit is not a Qualified Buyer and acquires an interest in such Property or Unit in a foreclosure sale or in lieu of foreclosure, the provisions in the Master Declaration of Covenants for non-qualified transferees shall apply. It is the Town's intent that the terms and provisions of this Agreement shall remain in full force and effect with respect to the Property and all Units until modified, amended or terminated in accordance with the terms of the applicable Master Declaration of Covenants.

In the event that the Town, Pitkin County, or Eagle County, exercise the option described above, the entity purchasing the unit, may sell the Property or Unit to Qualified Buyers as that term is defined herein, or rent the Property or Unit to qualified tenants who meet the income, occupancy and all other qualifications, established in the Basalt Community Housing Guidelines, until a sale to a Qualified Buyer is affected.

However, in the event of foreclosure by the holder of the first deed of trust on such Property or Unit, if the holder of such deed of trust is the grantee under the public trustee's deed and the Town, Pitkin County, or Eagle County does not exercise its option to purchase as provided in the applicable Master Declarations of Covenants, then the Town agrees to release the Property or Unit from the requirements of this Deed Restriction."

EXHIBIT D

SITE PLAN, DESIGN, AND DEVELOPMENT PROGRAM

1. The Applicant shall abide by the design guidelines dated August of 2008. The design guidelines shall be incorporated into the PUD approval documents and enforced by the Town in building permit review. This shall not preclude the ability of the development to have a design review board in addition to the Town's review purview over the design guidelines.

Each building permit application submitted to the Town for a new single-family or duplex residence within the development shall have first been reviewed and approved by the subdivision's design review board for compliance with the subdivision design guidelines. In the event that there is a disagreement between a building permit applicant and the Building Official, the building permit applicant may appeal the Building Official's determination to the Town Council to be considered at a duly noticed public hearing.

The design guidelines shall be amended prior to being included in the PUD approval documents to include the following:

- a. A requirement that front yard fences shall meet all requirements in the Town Code for front yard fences and front yard fences shall be setback at least 12 inches from the back of the sidewalk.
 - b. The Applicant shall also provide a variety of designs and contract with at least four (4) different local architect firms to design the units to be constructed by the developer to ensure variety in design.
2. The dimensional requirements for the narrow lots (28-foot wide and 42-foot wide) zoned R-3 TN PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	3,360 SF
Building Height	24 Ft. to midpoint
Ridge Height	28 Ft.
# of Stories	2
Lot Width	28
Front Yard Setback	10 Ft. Porch 16 Ft. Living Area
Rear Yard Setback	7 Ft.
Side Yard Setback	5 Ft.
Floor Area	• 1,328 Total

	Square Feet for 28 Ft. wide lots <ul style="list-style-type: none"> • 2,000 Total Square Feet for 28 Ft. wide lots • 2,376 Total Square Feet for 42 Ft. wide lots
Max Lot Coverage	70%
Min Landscape	20%
Parking	Per Town Code. The small lots that have three-bedroom units shall be permitted to provide one of their required parking spaces on the street as requested by the Applicant.
Maximum No. of Bedrooms in a Unit	3 Bedrooms

3. The dimensional requirements for the multi-family residential buildings zoned R-4 MD PUD shall be as follows:

Dimensional Requirement	Approved Measurement
Min. Lot Area	NA*
Building Height	33 Ft. to midpoint
Ridge Height	35 Ft.
# of Stories	3
Lot Width	50
Front Yard Setback	10 Feet
Rear Yard Setback	20 Feet
Side Yard Setback	10 Feet
FAR of Building	.69:1
Max Lot Coverage	NA
Min Landscape	20%
Parking	Meet Code Requirements

*- A total of 96 dwelling units shall be permitted on the multi-family Property. (Note: This density is permitted for the sketch plan approval on the multi-family and is subject to change at Final Plan Review). The maximum unit sizes allowed on the parcels to be zoned R-4 MD PUD are as follows:

Unit Type	Maximum Unit Size
Studio	700 Total SF
1-Bedroom	800 Total SF
2-Bedroom	965 Total SF
3-Bedroom	1,135 Total SF

4. Multi-Family Design to be reviewed as part of the Final Site Plan Review.

EXHIBIT E

IMPACT FEES, PROJECT MITIGATION AND DEDICATIONS

1. **Southside Water Tank Surcharge:** The Applicant shall contribute on a proportional basis to the cost of implementing the new water storage tank using the methodology and timing of payment in the Town Code and adopted fee schedule (as adopted in Ordinance No. 18, Series of 2008). The Stott's Mill project is subject to certain surcharges, as provided in the Municipal Code, for connecting to the existing water distribution system.

2. **Project Transportation Fee:** The Applicant shall participate in or contribute on a proportional basis to the future cost of making the transportation improvements that will be necessary to mitigate the cumulative impacts of traffic growth from this and other expected projects. The Applicant shall pay a transportation fee at the time of building permit issuance for each of the individual units based on the following schedule:

Type of Unit	Fee
Free-Market Residential	
Detached	\$.85 per total square foot
Attached (Includes duplexes)	\$.70 per total square foot
Community Housing	
Detached	\$.45 per total square foot
Attached (Includes duplexes)	\$.35 per total square foot

(Note: Staff did not grow this fee from the 2009 approvals because there are significant transportation improvements required of this development application, but other Applications that are proposed are expected to have an increased fee.)

3. **Southside Drive Traffic Calming:** The plans for a Southside Traffic Roundabout or an Alternative Traffic Calming Mechanism on Southside Drive adjacent to Stott's Mill must be approved by the Town Council before or concurrent with the Final Plan approval of the multi-family portion of the development. The Applicant's responsibilities for construction of this improvement will be addressed in the Final Plan review for the multi-family housing. However, the Applicant shall also dedicate the land area necessary for the implementation of a mini-roundabout at the intersection of Southside Drive and Running Brook Drive as proposed in the Application prior to recording the final plat for the Subdivision.

4. **Basalt Avenue/Cody Lane Improvement:** The Applicant shall conduct a traffic study acceptable to the Planning Director upon the completion of the pedestrian underpass to establish new baseline conditions or pay the Town for the cost to

complete the study ("Baseline Traffic Study") as further described below. The Applicant shall pay a fee in the amount \$904 for each of the multi-family units and \$1,304 for each of the single-family units at the time of building permit for each unit in order to equal one-third of the construction costs, of a mini roundabout at Cody Lane and Basalt Avenue ("Mini Roundabout Improvement"). This is in addition to the impact fees included in Condition No. 2, of Exhibit "E". If before the issuance of the first building permit in the development, the Town decides that a different improvement is more appropriate such as the Basalt Avenue Laneage improvement (as identified in the revised Traffic Study performed by SGM, dated 10/11/16), the Town Council may adjust the fee amount (either higher or lower) on a per unit basis to cover the cost of such improvement.

At any time after completion of the new "Baseline Traffic Study", the Town Council may determine that the Mini Roundabout Improvement or alternative traffic improvement approved by the Town is necessary to be installed before the Stott's Mill Development is completed or the Town has the other funds to construct the improvement, the Town may provide 60 days written notice to the Applicant, at which time the Applicant shall provide the remainder of their share of the Improvement costs.

The Town is assuming a conservative \$500,000 for the cost of the Mini Roundabout Improvement until final plans and cost estimates are prepared and certified by an engineer for Improvement and accepted by the Town Engineer. Therefore, until the Town Engineer certifies a lower cost, the Applicant's share of the cost of the Mini Roundabout Improvement is \$165,120.

Upon completion of the pedestrian underpass and the "Baseline Traffic Study" that is acceptable to the Planning Director for adequacy of the required information, a check-in with the Town Council will be conducted. The purpose of the updated traffic study is to determine the effectiveness of the pedestrian underpass and associated laneage changes with regards to reducing the queuing time and providing an acceptable level of service at the Basalt Avenue/Highway 82 traffic signal. The updated traffic study would identify whether the improvement is needed to be constructed before additional development is permitted or define how many more units in Stott's Mill could be built without triggering the need for the improvement. This condition may be refined during final plan review of the multi-family units.

5. **CDOT Access Permit:** The Applicant shall prepare and submit for the Town an updated access permit with CDOT upon the completion of the new "Baseline Traffic Study" after installation of the pedestrian underpass. Alternatively, at the Town's sole decision, the Town may prepare and submit the access permit and be reimbursed by the Applicant or require the Applicant to prepare the access

permit earlier than specified above if determined necessary by the CDOT or the Town. In the instance that the Town would like the access permit application prepared earlier by the Applicant than after the completion of the new Baseline Traffic Study, the Applicant shall prepare the report within sixty (60) days of receiving written notice from the Town Planning Director.

6. **Reimbursement for Improvements:** The Town will use its best efforts to seek funds from other Developments in the Southside for the necessary studies and improvements needed to accommodate the pedestrian and vehicular traffic through the area. The Town will use its best efforts to reimburse the Applicant when other funds are received so that the Applicant is only paying for its fair share of the studies and infrastructure.
7. **Carshare:** The Applicant shall pay the careshare fee pursuant to Condition No. 8 of Exhibit B.

EXHIBIT F

WATER RIGHTS

1. The Stott's Mill developer shall dedicate by special warranty deed all of its 1.57 cfs, absolute, decreed in the Grace & Shehi Ditch, 0.644 cfs under Priority 142 and 0.926 cfs under Priority 302, which have been historically used to irrigate 12.29 acres of the 17.976 acres proposed for annexation into the Town as more further described in the Memorandum from Tom Kinney, Town of Basalt Water Attorney, to Susan Philp and Larry Thompson dated April 30, 2007.
2. The Town shall lease back to the Applicant, portions of these Grace & Shehi Ditch water right priorities for continuation of raw water irrigation within the Stott's Mill PUD Parcel.
3. The Applicant shall be required to provide a cash-in-lieu payment reflecting the cost of the Town's obtaining water rights sufficient to meet the full build-out municipal water service demand occurring during the non-irrigation season (currently anticipated 18.2 acre-feet).
4. As part of constructing the irrigation water storage pond on the property, the Applicant shall abide by the following requirements:
 - a. The out-of-priority stream depletions resulting from pond evaporation should be incorporated by the Town into the Town's augmentation plan, which augmentation plan is and shall continue to be solely owned and maintained by the Town.
 - b. The Applicant shall make a cash payment to the Town in lieu of the dedication of additional water rights and in an amount appropriate to compensate the Town for the legal and engineering costs associated with either amending the Town's augmentation plan or obtaining Water Court approval of an additional augmentation plan, to incorporate the operational pond as an augmented structure.
 - c. The declaration of covenants and the subdivision improvements agreement shall contain language prohibiting the use of treated water for outdoor irrigation purposes, except between November 1st and March 31st when homeowner's may use treated water for irrigation.
 - d. Applicant shall continue to use the dedicated 1.57 cfs Grace & Shehi Ditch water described herein above at Condition No. 1 of Exhibit F pursuant to

the annual lease-back agreement described herein below at Condition No. 5 of Exhibit F for the purpose of irrigating 12.29 acres of historically irrigated acreage within the Stott's Mill PUD Parcel until development construction begins and shall thereafter continue to use a portion of said 1.57 cfs Grace & Shehi Ditch water right to continuously irrigate the maximum portion of said 12.29 acres historically irrigated within the Stott's Mill PUD Parcel practicable during construction of the Stott's Mill PUD.

5. The Town's former Water Attorney has drafted a municipal water service agreement, water rights dedication deeds, and an annual lease agreement by which the Town will lease back to the developer and/or home owners' association(s) a portion of the 1.57 cfs of dedicated water rights in the Grace & Shehi Ditch for raw water irrigation. The Applicant shall execute these documents prior to or in conjunction with recording the final annexation plat and agreement.

EXHIBIT G

PARKS, TRAILS, AND OPEN SPACE

1. The Applicant shall comply with the annexation requirements for parkland dedication and park improvements by:
 - a. Dedicating ownership of 4.5 acres of improved park land to the Town as shown on the Final plat and and improving the two parks as shown on the landscape plan prepared by Mt. Daley Enterprises with a revision date of 11/17/09.
 - b. For South Park, the Tennis Group represented by Diana Elliot shall be able to construct an indoor tennis center comprised of three (3) tennis courts in the event that they are able to raise the necessary funding as determined by the Town Manager by ___ (*two years after the final project approval date*). If the Tennis Group has not obtained enough funds to build the tennis facility by (*two years after the final project approval date*), the Applicant will resume control of installing an active park consistent with the park plan in the 2009 approvals to include a public bathroom in the vicinity of the Denver and Rio Grande Trail, storage space incorporated into the bathroom design for use by the Public Works Department, drinking fountain, trails, signage, bicycle parking facilities, 2 basketball courts, and 4 tennis courts, and the historic cabin in the configuration generally shown on the landscaping plan dated 6/8/09 (with the exception that no nordic storage is required to be constructed). As the Town will own the storage space, the Town will be able to use it if the Tennis Center is not built, conditions c-i below will also apply.
 - c. A revised landscape plan shall be submitted for review by the TRC prior to recording the Master plat and SIA that demonstrates the ability for and the location of a 14-foot wide Nordic ski loop in South Park that is free of landscaping barriers.
 - d. The Applicant shall erect the proposed pole and rail fence between the Rio Grande Trail ROW and the Stott's Mill property prior to commencing construction activities on the entire site.
 - e. The Applicant shall enter into a license agreement with RFTA to construct sidewalk connections to the Rio Grande Trail prior to recording a Master Plat and SIA.

- f. The trails on the Landscape Plan in the North and South Park shall be asphalt.
- g. The Applicant shall relocate the historic cabin to South Park and make it structurally sound for use as a recreational feature in South Park. This shall be completed as part of the required improvements.
- h. The Town will conduct the routine park maintenance on North and South Park, but the Applicant shall enter into a perpetual maintenance agreement with the Town requiring that the HOA will maintain the raw water irrigation system at its sole expense. The Town Attorney and Public Works Director shall review the maintenance agreement prior to recording it at the Pitkin County Clerk and Recorder's Office. The agreement shall be recorded in conjunction with recording final annexation plat and agreement.
- i. The Applicant shall provide an irrigation plan for irrigation in the Town's right-of-ways for review and approval by the Town's Assistant Planning Director prior to issuance of any building permits for the development.

EXHIBIT H

FIRE DISTRICT CONDITIONS

1. The declaration of protective covenants shall require that fire apparatus access roads within the development shall not be obstructed in any manner, including the parking of vehicles so that the minimum widths and clearances established in the Section 503.4 of the International Fire Code are maintained. Language shall also be added to the declaration of protective covenants shall also prohibit the parking of recreational vehicles or boats in the on-street parking spaces within the development.

The declaration of protective covenants shall provide that these requirements are enforceable by the HOA and by the Basalt and Rural Fire Protection District.

EXHIBIT I

TECHNICAL CONSIDERATIONS

1. The Applicant shall comply with all of the geo-technical recommendations provided by HP Geotech, including the basement recommendations made by HP Geotech in their letters dated October 23, 2007 and April 3, 2008, requiring that basements for the single-family lots not extend more than six (6) feet below existing grade and that basements not be provided in the multi-family buildings. This shall be a requirement of the declaration of protective covenants.

2. The Applicant shall only be required by the Town to remove a small area of willow vegetation on the westernmost extent at which the Home Supply Ditch is on the Stott's Mill property before it reaches Southside Drive and a small area of willow vegetation at the easternmost extent at which the ditch is located on the Stott's Mill property. These small areas of removal shall be revegetated with a native low-lying species approved by the Public Works Director. The Applicant shall have finalized an agreement with the Home Supply Ditch Company to enable the Applicant to construct Alexander Lane across the ditch prior to recording the Master Plat dedicating the parks to the Town.

The Applicant shall prepare a revised landscaping plan for North Park for review by the TRC and the Assistant Planning Director that includes an area of dense vegetation adjacent to the irrigation pond that may replace some bird habitat that might be lost if the ditch company or the Applicant removes all of the vegetation on the south side of the Home Supply Ditch within the ditch easement. Four water birch specimens that were identified on the site visit between representatives of the Home Supply Ditch Company and Town Staff on 11/12/09 are to be preserved on the south side of the ditch upon final approval by the Home Supply Ditch Company Board of Directors.

3. There shall be no designated parking spaces, except for handicap spaces on the public streets, spaces on the individual single-family lots, and carshare spaces. This shall be a requirement of the declaration of protective covenants.

4. The Applicant shall apply for and be annexed into the Basalt Sanitation District prior to the issuance of the first building permit in the development. Acceptance into the Basalt Sanitation District shall be contingent on obtaining final annexation approval.

5. The Town contracted with Economic and Planning Systems (EPS) to develop an economic model to study the fiscal impacts of the development on the Town. The Applicant shall reimburse the Town for the cost of having EPS conduct the study.

6. The Applicant shall dedicate the alleyways to the Town on the Master Plat, but the Applicant shall also enter into a perpetual maintenance agreement requiring the HOA to maintain the alleyways, including but not limited to snowplowing and resurfacing. This maintenance agreement shall be drafted by the Applicant and reviewed by the Town Attorney and Public Works Director and recorded prior at the County Clerk and Recorder's Office in conjunction with recording the PUD control document.

7. Development in the rights-of-way shall occur as approved in the Final PUD plan, but the Town reserves the right to make future improvements in the rights-of-way as deemed appropriate and shall not be bound by limits established in the PUD.

8. The Applicant shall install removable bollards in the Allison Lane vehicular connection with a Knox box meeting the Fire District's requirements. The area between the bollards shall be maintained for a through access during the winter by the Town.

EXHIBIT J

PHASING AND APPROVAL DOCUMENTS

1. The Applicant shall enter into a PUD control document with the Town within 180 days of the effective date of the Final Plan ordinance for Phase I, adopting the terms and conditions of the development and providing security for the common public improvements associated with the development. The Applicant shall also record a Master Plat/Annexation Map and Final PUD Development Plan with the Pitkin County Clerk and Recorder's Office within 180 days of the effective date of the Final Plan ordinance. The Town Planner may extend the approvals in writing if the Applicant chooses to try and obtain a final approval on the multi-family portion of the development prior to commencing development on the single-family portion of the development. In the event that the Applicant does not execute and record the necessary documents in the allotted timeline established herein or obtain a written extension from the Town Planner, the approvals established herein shall be void.

A note shall be included on the Final Annexation Map indicating that the area of annexation has been refined from the legal description included on the original annexation petition, yet represents the development proposed in the annexation petition that was approved for annexation eligibility pursuant to Resolution No. 14, Series of 2016.

The PUD control document, Master Plat/Annexation Map, and PUD Development Plan shall be reviewed by the Town Attorney for approval of form and content prior to recording. The PUD control document, Master Plat, and PUD Development Plan shall be recorded prior to commencing the installation of infrastructure and prior to the issuance of the first building permit in the development. The Applicant shall also prepare deed restrictions for the community housing units for review and approval by the Town Attorney prior to the recording of the PUD Control Document.

An individual subdivision plat shall be submitted for each phase prior to closing on the sale of any lots or developing on any of the lots in each phase.

2. The Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, pond, irrigation piping, and adjacent sidewalk and parking) in North Park within three (3) years of final approval.

3. In the event that the Tennis Center is not built, the Applicant shall complete all of the proposed park improvements (including all landscaping, trails, one stormwater detention facility, the ditch improvements, the adjacent sidewalk and parking, the public

facilities/storage, and the courts) in South Park prior to the Applicant obtaining a building permit on half the units in the development.

4. The Applicant shall construct a chain link fence (consistent in design and materials with the existing chain link fence between the High School and the Cerise property) at the eastern boundary of the property to protect the adjacent agriculture land prior to commencing any construction activities on the site. The fence shall be maintained after construction, but the abutting property owners may construct an internal fence meeting the guidelines in the PUD.

5. *Dependent on Applicant's final negotiation with the School District.* The two (2) units for School District employees shall obtain COs, be deed restricted as Category 3 units, and then be deeded or prioritized (in the case of a rental unit) to the School District before the issuance of COs on half the units in the development.

6. The category level units shall be constructed at a proportional rate with the free-market units). For example, since the number of category-level equal at least 20 % of the units within the project, at least two (2) category-level units shall be constructed and obtain COs out of every ten (10) total units developed within the project.

7. The multi-family shall remain in a single ownership until such time as the last of the multi-family buildings on these blocks is completed and obtains a CO. Any future subdivision will be subject to the then-current subdivision regulations.

8. The timing and Applicant's responsibilities or proportional costs for construction of the roundabout or traffic-calming improvements determined necessary by Town Council for Southside Drive shall be determined during Final Plan review of the multi-family units.

9. The irrigation pond and irrigation piping shall be installed in the 1st phase of improvements and prior to the issuance of the first building permit within the development.

10. Up to four (4) model units that are not inhabited may be exempted from the phasing requirements by the TRC.

11. If there are any insubstantial changes to the project's phasing plan during construction, a revised phasing plan shall be submitted for review by the TRC. Any minor deviations from the requirements of the approved phasing plan require approval by the TRC and shall be documented by the issuance of a TRC Certificate. If the TRC finds that a change is not insubstantial, the change shall require approval by the Town Council.

12. The Applicant shall provide financial security in a form acceptable to the Town Attorney, in an amount sufficient to secure all of the improvements within both North

and South Parks (2009 Landscape Plan) within the development plus a ten (10%) percent contingency in conjunction with filing the master plat and PUD plan. Prior to the issuance of the first building permit or closing on the sale of any lots in an individual block, whichever is earlier, the Applicant shall prepare and record a subdivision plat for the individual block or blocks that are being developed.

In conjunction with filing the subdivision plats on the development phases-the Applicant shall be required to put up a letter of credit for the public improvements in the phase. If the Applicant is proposing to develop multiple phases at once, they shall be allowed to record multiple phase subdivision plats at once, but they would need to put up security for the public improvements on all of the phases being platted.

The Town may draw on the financial security posted for the public improvements to install any incomplete public improvements or restore the site to an acceptable condition if at any time after the commencement of construction activities the Town Engineer determines that the project or a portion of the project has been abandoned. Abandonment for the purpose of administering this condition shall mean that the Applicant has started improvements, but has stopped all construction activities on the site for a period of more than six (6) months.

No more frequently than once every quarter, Applicant shall be entitled to partial releases or reductions of the Performance Guaranty as portions of the Improvements are completed and approved. In order to obtain a partial release or reduction of the Performance Guaranty, Applicant shall submit a Certificate of Partial Completion signed by an engineer licensed in the State of Colorado or other appropriate professional acceptable to the Town describing the portion of the Improvements completed, and the cost allocation associated with such completed improvements.

EXHIBIT K

VESTED RIGHTS AND CONTRACTUAL PHASING

1. Vested property rights shall be granted for a period of three (3) years from the effective date of the ordinance approving the final annexation. The Applicant may request an extension of vested rights and an amendment to the contractual phasing requirements pursuant to the process for extending vested rights as established in the Town Code. The Town Council may consider the strength of the local housing market and construction lending environment in considering a request to extend the vested rights and contractual phasing time period.

All of the public improvements required in the development with the exception of South Park, shall be completed within the three (3) year vested rights period, Additionally, if the Applicant does not complete the Town's required improvements within the three (3) year vested rights period, the Town reserves the ability to unilaterally rezone the property or change the allowable uses within the PUD. Buildout shall occur in seven (7) years after infrastructure installation with the ability for the Applicant to come back and ask for an extension from the Town Council.

Town of Basalt
Accounts Payable
November 15, 2016

GENERAL FUND

Reimbursable 18,147.64

Total Reimbursable **18,147.64**

Non-reimbursable

Payroll 11/4/16 104,847.06

Other Expenditures 205,063.93

Sub Total General Fund Non-reimbursable **309,910.99**

TOTAL GENERAL FUND

Bond Fund: **2,532.50**

Total Bond Fund **2,532.50**

Conservation Trust Fund: **0.00**

Total Conservation Trust Fund **0.00**

Water Fund: **10,564.19**

Total Water Fund **10,564.19**

TOTAL ALL FUNDS **341,155.32**

Report Criteria:

Report type: GL detail

Check Detail.Amount = {<>} 0

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
11/16	11/15/2016	38915	ADAMSON POLICE PRODUCTS	INV226	10-54-600	1,312.50
11/16	11/15/2016	38916	AFLAC	376015	10-22760	568.62
11/16	11/15/2016	38917	ALPINE BANK	110416	10-22775	789.12
11/16	11/15/2016	38918	AMERIGAS	305769	10-50-435	523.43
11/16	11/15/2016	38919	ANYTIME SEWER & DRAIN CO	12040	31-40-315	360.00
11/16	11/15/2016	38920	ASPEN DAILY NEWS	101516	10-45-540	316.75
11/16	11/15/2016	38920	ASPEN DAILY NEWS	101516	10-24202	93.00
11/16	11/15/2016	38920	ASPEN DAILY NEWS	101516	10-24101	164.25
11/16	11/15/2016	38920	ASPEN DAILY NEWS	103116	10-45-395	232.20
11/16	11/15/2016	38920	ASPEN DAILY NEWS	103116	10-45-540	499.80
11/16	11/15/2016	38920	ASPEN DAILY NEWS	103116	10-45-395	77.40
11/16	11/15/2016	38920	ASPEN DAILY NEWS	103116	10-62-490	77.40
11/16	11/15/2016	38920	ASPEN DAILY NEWS	103116	10-24202	267.74
11/16	11/15/2016	38920	ASPEN DAILY NEWS	103116	10-24209	64.25
11/16	11/15/2016	38921	ASPEN MAINTENANCE SUPPLY	1489	10-50-600	250.83
11/16	11/15/2016	38922	ASPEN TIMES	100033	10-42-600	18.35
11/16	11/15/2016	38922	ASPEN TIMES	100335	10-60-432	19.80
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1	10-45-310	26.25
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-310	9,887.43
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-315	44.29
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-24111	341.25
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-24218	26.25
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1008-0	10-45-310	26.25
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1121-0	10-45-315	1,287.50
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	112100	10-45-315	1,155.00
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	12	10-45-310	131.25
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	121900	10-24480	210.00
11/16	11/15/2016	38923	AUSTIN, PEIRCE & SMITH, P.C.	1219-0	10-24350	52.50
11/16	11/15/2016	38924	AVALANCHE CARPET CLEANIN	8535	10-50-435	236.80
11/16	11/15/2016	38924	AVALANCHE CARPET CLEANIN	8581	10-50-435	176.32
11/16	11/15/2016	38925	AW DIRECT, INC	SIO297	10-61-580	121.84
11/16	11/15/2016	38926	BASALT CHAMBER OF COMME	10640	10-41-670	50,000.00
11/16	11/15/2016	38927	BASALT ELEMENTARY SCHOOL	102616	51-30-100	5,132.00
11/16	11/15/2016	38928	BASALT PRINTING	001639	10-47-600	106.25
11/16	11/15/2016	38928	BASALT PRINTING	001663	10-45-600	29.00
11/16	11/15/2016	38928	BASALT PRINTING	16479	10-45-600	86.00
11/16	11/15/2016	38928	BASALT PRINTING	16487	10-45-395	273.00
11/16	11/15/2016	38928	BASALT PRINTING	16491	10-45-600	86.00
11/16	11/15/2016	38928	BASALT PRINTING	16499	10-45-600	469.93
11/16	11/15/2016	38928	BASALT PRINTING	16508	10-45-600	39.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-600	75.56
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-24209	13.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-600	77.16
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-24209	13.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-390	91.50
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-600	13.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-64-665	55.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-600	78.06
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-24209	13.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-600	13.00
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-45-390	91.50
11/16	11/15/2016	38928	BASALT PRINTING	16546	10-64-665	55.00

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
11/16	11/15/2016	38929	BEATTIE, CHADWICK & HOUPPT,	11880	51-71-400	432.00
11/16	11/15/2016	38930	BIG JIG ENTERTAINMENT	110816	10-41-675	3,500.00
11/16	11/15/2016	38931	BRIGITTE IRONSIDE	110616	10-50-435	1,200.00
11/16	11/15/2016	38932	CASELLE	76474	10-42-325	993.00
11/16	11/15/2016	38933	CENTURY LINK	101916	51-45-530	271.58
11/16	11/15/2016	38933	CENTURY LINK	101920	10-66-530	127.48
11/16	11/15/2016	38934	CHRIS LOERTSCHER	110716	10-64-350	80.00
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-45-230	528.00
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-45-230	708.00
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-45-230	2,527.95
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-47-230	1,442.00
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-50-230	3,288.90
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-54-231	14,113.65
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-58-230	708.00
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-61-230	24.70
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-60-230	1,405.30
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-62-230	2,126.95
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-64-230	1,428.95
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	10-70-230	528.00
11/16	11/15/2016	38935	COLO. EMPLOYER BENEFIT TR	INV001	51-45-230	1,480.35
11/16	11/15/2016	38936	COLORADO DEPARTMENT OF	273253	10-22770	1,064.00
11/16	11/15/2016	38937	COMCAST	102716	10-70-530	182.02
11/16	11/15/2016	38938	ROBI DARCY	110816	51-45-570	47.00
11/16	11/15/2016	38938	ROBI DARCY	ACE	51-72-430	34.15
11/16	11/15/2016	38939	DARNAUER GROUP	11732	10-45-390	5,051.84
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	32418	10-75-700	125.00
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	32420	31-40-315	820.36
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	32954	31-40-315	756.00
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	33130	10-24209	2,280.44
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	33130	10-75-700	488.67
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	33130	10-59-330	488.68
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	33131	10-75-700	7,248.34
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	33132	10-75-700	7,996.79
11/16	11/15/2016	38940	DHM DESIGN CORPORATION	33133	31-40-315	321.14
11/16	11/15/2016	38941	DIG IT	2686	51-73-430	800.00
11/16	11/15/2016	38942	DPC INDUSTRIES, INC	737004	51-72-405	198.50
11/16	11/15/2016	38943	DREAMTIME WATER DISTRIBU	432943	10-64-605	15.00
11/16	11/15/2016	38944	DURAFLEX INTERNATIONAL	78128	10-66-430	1,829.00
11/16	11/15/2016	38945	ELEMENT BASALT- ASPEN	110964	10-45-585	2,772.00
11/16	11/15/2016	38946	EVERGREEN ZEROWASTE	4459	10-45-395	2,564.00
11/16	11/15/2016	38947	FAMILY SUPPORT REGISTRY	110416	10-22770	240.00
11/16	11/15/2016	38947	FAMILY SUPPORT REGISTRY	110416	10-22770	200.00
11/16	11/15/2016	38947	FAMILY SUPPORT REGISTRY	110416	10-22770	54.16
11/16	11/15/2016	38948	MAURINE FITZPATRICK	110916	10-64-350	984.00
11/16	11/15/2016	38949	FLORIDA DEPARTMENT OF RE	110416	10-22770	271.20
11/16	11/15/2016	38950	GAGEN, TIM	110316	10-45-580	475.20
11/16	11/15/2016	38950	GAGEN, TIM	110316	10-45-390	5,929.00
11/16	11/15/2016	38951	GALLS, LLC	006238	10-54-610	95.39
11/16	11/15/2016	38952	GATEWAY METROPOLITAN DIS	093016	10-50-435	3,517.32
11/16	11/15/2016	38953	GLENWOOD SPRINGS FORD	51506	10-54-690	35.52
11/16	11/15/2016	38954	Grass Roots TV/2	8467	10-41-681	376.00
11/16	11/15/2016	38954	Grass Roots TV/2	8468	10-41-681	11,938.00
11/16	11/15/2016	38954	Grass Roots TV/2	8486	10-41-681	188.00
11/16	11/15/2016	38955	GREAT AMERICA FINANCIAL SE	195576	10-50-530	656.33
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102616	10-50-410	369.61
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102616	10-60-412	19.54

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102616	10-70-410	39.16
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102616	51-71-410	140.86
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102716	10-50-410	10.00
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102716	10-50-410	40.75
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102716	10-50-410	19.57
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	102716	10-60-412	791.53
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	110420	10-50-410	21.89
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	110420	10-60-412	116.58
11/16	11/15/2016	38956	HOLY CROSS ENERGY ASSOC.	110420	10-70-410	71.63
11/16	11/15/2016	38957	HYDRAFLO, INC	33595	51-73-430	343.39
11/16	11/15/2016	38958	ICMA MEMBERSHIP RENEWAL	102616	10-45-590	1,151.26
11/16	11/15/2016	38959	INTERNATIONAL CODE COUNC	311074	10-58-570	135.00
11/16	11/15/2016	38960	MICHAEL J. KINSLEY	136	10-41-670	1,537.50
11/16	11/15/2016	38961	MID VALLEY METRO	103116	10-50-410	148.55
11/16	11/15/2016	38961	MID VALLEY METRO	103116	10-70-410	773.65
11/16	11/15/2016	38962	RON MILLER	110116	10-45-580	723.60
11/16	11/15/2016	38963	Mountain Pest Control	83063	10-50-435	75.00
11/16	11/15/2016	38964	MOUNTAIN WASTE	132543	10-50-415	435.00
11/16	11/15/2016	38964	MOUNTAIN WASTE	132819	10-70-420	74.03
11/16	11/15/2016	38964	MOUNTAIN WASTE	132877	10-70-420	130.00
11/16	11/15/2016	38965	MOUNTAIN WASTE & RECYCLI	131322	10-50-435	79.33
11/16	11/15/2016	38965	MOUNTAIN WASTE & RECYCLI	132770	10-70-420	74.03
11/16	11/15/2016	38965	MOUNTAIN WASTE & RECYCLI	132799	10-70-420	74.03
11/16	11/15/2016	38965	MOUNTAIN WASTE & RECYCLI	132805	10-70-420	95.97
11/16	11/15/2016	38965	MOUNTAIN WASTE & RECYCLI	132806	10-70-420	74.03
11/16	11/15/2016	38965	MOUNTAIN WASTE & RECYCLI	132807	10-70-420	74.03
11/16	11/15/2016	38966	NAPA AUTO PARTS	170400	10-60-600	6.33
11/16	11/15/2016	38966	NAPA AUTO PARTS	182698	10-61-430	77.51
11/16	11/15/2016	38966	NAPA AUTO PARTS	182997	10-61-430	77.51
11/16	11/15/2016	38966	NAPA AUTO PARTS	186616	10-61-430	251.18
11/16	11/15/2016	38966	NAPA AUTO PARTS	188498	10-61-580	96.17
11/16	11/15/2016	38966	NAPA AUTO PARTS	188942	10-61-650	32.11
11/16	11/15/2016	38966	NAPA AUTO PARTS	188942	10-61-580	15.77
11/16	11/15/2016	38967	PAMELA SCHILLING	110816	10-45-600	108.00
11/16	11/15/2016	38967	PAMELA SCHILLING	110916	10-41-600	46.74
11/16	11/15/2016	38968	PATRIOT HIGHWAY MARKINGS	2016-1	10-60-432	2,158.00
11/16	11/15/2016	38969	PECK FEIGENBAUM PC	1751	10-50-435	125.00
11/16	11/15/2016	38970	PEREZ, J. DAVID	09/16	10-46-600	270.00
11/16	11/15/2016	38971	PERRY, CINDY	110216	10-24488	689.72
11/16	11/15/2016	38972	PETTY CASH	110716	10-64-350	232.92
11/16	11/15/2016	38973	PINNACOL ASSURANCE	182867	51-45-600	660.82
11/16	11/15/2016	38974	PITKIN COUNTY	2016-4	10-54-570	760.00
11/16	11/15/2016	38975	RIVER VIEW PLAZA HOA	4761	10-54-410	2,278.46
11/16	11/15/2016	38975	RIVER VIEW PLAZA HOA	4768	10-54-410	251.10
11/16	11/15/2016	38976	ROARING FORK RENTALS	231972	10-60-432	32.50
11/16	11/15/2016	38977	Sandy's Office Supply	194622	10-54-600	5.32
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	03125A	10-24101	138.00
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	03125A	10-59-330	1,069.56
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	03125A	10-59-330	1,150.00
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	2014-4	10-24209	6,971.50
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	90040B	10-60-432	923.50
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	90040B	10-60-432	345.00
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	90040E	10-59-330	2,197.50
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	90040E	10-47-330	672.00
11/16	11/15/2016	38978	SCHMUESER GORDON MEYER	90040E	10-47-330	3,360.00
11/16	11/15/2016	38979	STAPLES BUSINESS ADVANTA	804135	10-45-600	505.85

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
11/16	11/15/2016	38979	STAPLES BUSINESS ADVANTA	804144	10-45-600	191.87
11/16	11/15/2016	38979	STAPLES BUSINESS ADVANTA	804165	10-45-600	245.58
11/16	11/15/2016	38980	STEVENSON, BARRY	BASAL	10-24295	3,450.00
11/16	11/15/2016	38981	SUMMIT PAINT & DECORATING	AP644	10-50-435	30.08
11/16	11/15/2016	38982	STEPHANIE SYSON LLC	10.16	10-75-700	600.00
11/16	11/15/2016	38983	TAMERREL EXCAVATION	2016-4	10-60-432	14,825.00
11/16	11/15/2016	38984	TERRAIN LAND ARCHITECTS	TS597	10-75-700	255.00
11/16	11/15/2016	38985	GERALD TERWILLIGER	111116	10-24505	938.00
11/16	11/15/2016	38986	TIMBO'S PIZZA	092716	10-45-600	184.66
11/16	11/15/2016	38987	UNCC	216100	51-73-390	70.07
11/16	11/15/2016	38988	UNILINK	102342	10-45-740	149.10
11/16	11/15/2016	38988	UNILINK	102343	10-45-740	53.21
11/16	11/15/2016	38988	UNILINK	102456	10-45-740	847.98
11/16	11/15/2016	38988	UNILINK	102457	10-45-740	55.82
11/16	11/15/2016	38988	UNILINK	111817	10-45-740	160.00
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-45-230	66.46
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-45-230	141.08
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-47-230	176.76
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-54-231	48.08
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-58-230	78.46
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-61-230	32.50
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-60-230	16.25
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-50-230	76.73
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-62-230	194.68
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-70-230	41.56
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	10-64-230	51.83
11/16	11/15/2016	38989	UNION SECURITY INSURANCE	110116	51-45-230	105.98
11/16	11/15/2016	38990	US Bank	444832	31-40-330	275.00
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1011	10-64-650	10.27
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1025	10-50-435	15.98
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1035	10-61-650	13.08
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	119	10-70-600	5.16
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1385	10-61-650	12.98
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1392	10-47-600	17.15
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1395	10-50-430	2.99
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1426	10-60-600	27.00
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1624	10-50-600	.69
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1671	10-62-600	4.99
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	1898	10-60-600	31.98
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	2637	10-50-435	123.73
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	491	10-70-600	5.14
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	61	10-70-600	3.80
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	669	10-60-600	59.98
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	673	10-50-600	8.58
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	72401	10-50-435	5.99-
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	839	10-50-435	15.99
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	83945	10-50-435	13.15
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	84388	10-50-435	31.96
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	84436	10-50-430	4.08
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	84453	10-70-600	26.98
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	84777	10-50-430	13.98
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	84909	10-60-600	16.99
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	84950	10-60-600	8.49
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	930	10-60-600	11.99
11/16	11/15/2016	38991	VALLEY LUMBER COMPANY	949	51-73-600	15.97
11/16	11/15/2016	38992	VALLEY PINES CONDO ASSOC.	8335	10-50-435	374.37

GL Period	Check Issue Date	Check Number	Payee	Invoice Number	Invoice GL Account	Check Amount
11/16	11/15/2016	38993	VERIZON WIRELESS	977373	10-54-530	475.25
11/16	11/15/2016	38994	VERIZON WIRELESS/TRIPP	977371	51-73-410	271.52
11/16	11/15/2016	38995	VERMEER SALES & SERVICE O	17145B	10-61-430	615.41
11/16	11/15/2016	38996	VILLAS @ ELK RUN HOMEOWN	110116	10-50-435	302.69
11/16	11/15/2016	38997	VISION SERVICE PLAN	101916	10-70-230	351.96
11/16	11/15/2016	38998	WASTE MANAGEMENT	019156	10-45-395	3,888.83
11/16	11/15/2016	38999	WESTERN COLORADO HYDRA	1289	51-73-390	560.00
11/16	11/15/2016	39000	SAMANTHA WOODARD	110916	10-64-350	256.00
Grand Totals:						<u>237,073.62</u>

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
1020200	83.50	237,157.12-	237,073.62-
10-22760	568.62	.00	568.62
10-22770	1,829.36	.00	1,829.36
10-22775	789.12	.00	789.12
10-24101	302.25	.00	302.25
10-24111	341.25	.00	341.25
10-24202	360.74	.00	360.74
10-24209	9,355.19	.00	9,355.19
10-24218	26.25	.00	26.25
10-24295	3,450.00	.00	3,450.00
10-24350	52.50	.00	52.50
10-24480	210.00	.00	210.00
10-24488	689.72	.00	689.72
10-24505	938.00	.00	938.00
10-41-600	46.74	.00	46.74
10-41-670	51,537.50	.00	51,537.50
10-41-675	3,500.00	.00	3,500.00
10-41-681	12,502.00	.00	12,502.00
10-42-325	993.00	.00	993.00
10-42-600	18.35	.00	18.35
10-45-230	3,971.49	.00	3,971.49
10-45-310	10,071.18	.00	10,071.18
10-45-315	2,486.79	.00	2,486.79
10-45-390	11,163.84	.00	11,163.84
10-45-395	7,035.43	.00	7,035.43
10-45-540	816.55	.00	816.55
10-45-580	1,198.80	.00	1,198.80
10-45-585	2,772.00	.00	2,772.00
10-45-590	1,151.26	.00	1,151.26
10-45-600	2,202.67	.00	2,202.67
10-45-740	1,266.11	.00	1,266.11
10-46-600	270.00	.00	270.00
10-47-230	1,618.76	.00	1,618.76
10-47-330	4,032.00	.00	4,032.00
10-47-600	123.40	.00	123.40
10-50-230	3,365.63	.00	3,365.63
10-50-410	610.37	.00	610.37
10-50-415	435.00	.00	435.00
10-50-430	21.05	.00	21.05

GL Account	Debit	Credit	Proof
10-50-435	6,841.15	5.99-	6,835.16
10-50-530	656.33	.00	656.33
10-50-600	260.10	.00	260.10
10-54-231	14,161.73	.00	14,161.73
10-54-410	2,529.56	.00	2,529.56
10-54-530	475.25	.00	475.25
10-54-570	760.00	.00	760.00
10-54-600	1,317.82	.00	1,317.82
10-54-610	95.39	.00	95.39
10-54-690	35.52	.00	35.52
10-58-230	786.46	.00	786.46
10-58-570	135.00	.00	135.00
10-59-330	4,905.74	.00	4,905.74
10-60-230	1,421.55	.00	1,421.55
10-60-412	927.65	.00	927.65
10-60-432	18,303.80	.00	18,303.80
10-60-600	162.76	.00	162.76
10-61-230	57.20	.00	57.20
10-61-430	944.10	77.51-	866.59
10-61-580	233.78	.00	233.78
10-61-650	58.17	.00	58.17
10-62-230	2,321.63	.00	2,321.63
10-62-490	77.40	.00	77.40
10-62-600	4.99	.00	4.99
10-64-230	1,480.78	.00	1,480.78
10-64-350	1,552.92	.00	1,552.92
10-64-605	15.00	.00	15.00
10-64-650	10.27	.00	10.27
10-64-665	110.00	.00	110.00
10-66-430	1,829.00	.00	1,829.00
10-66-530	127.48	.00	127.48
10-70-230	921.52	.00	921.52
10-70-410	884.44	.00	884.44
10-70-420	596.12	.00	596.12
10-70-530	182.02	.00	182.02
10-70-600	41.08	.00	41.08
10-75-700	16,713.80	.00	16,713.80
31-40-315	2,257.50	.00	2,257.50
31-40-330	275.00	.00	275.00
51-30-100	5,132.00	.00	5,132.00
51-45-230	1,586.33	.00	1,586.33
51-45-530	271.58	.00	271.58
51-45-570	47.00	.00	47.00
51-45-600	660.82	.00	660.82
51-71-400	432.00	.00	432.00
51-71-410	140.86	.00	140.86
51-72-405	198.50	.00	198.50
51-72-430	34.15	.00	34.15
51-73-390	630.07	.00	630.07
51-73-410	271.52	.00	271.52
51-73-430	1,143.39	.00	1,143.39
51-73-600	15.97	.00	15.97
Grand Totals:	237,240.62	237,240.62-	.00

Report Criteria:

Report type: GL detail

Check Detail.Amount = {<->} 0

2016 ADVANCED AGENDAS

11B

Tuesday November 22, 2016 WORKSESSION AND LEGISLATIVE

CONSENT

- BPAC Appointments

ORDINANCES

- 1st Reading on 2017 Budget
- 1st Reading Lease for Red Brick and Growing Years

OTHER

- Leash Law Discussion – Chief Knott (Prior to meeting)
- Public Hearing – Free Range Kitchen liquor license
- Town Manager Recruitment
- Report in Packet Only- Ski Co. Report

Tuesday December 6, 2016 at 4 PM

Special – CML Training at 4 pm

Tuesday December 13, 2016 WORKSESSION AND LEGISLATIVE

WORKSESSION

- Changes to Floodplain Regulations
- Stott's Mill Tennis Center

ORDINANCES

- 2nd Reading on 2017 Budget
- Marijuana Ordinances Continued on 1st Reading
- Resolution associated with Budget
- 1st Reading Changes to Floodplain Regulations
- Public Hearing and consideration of Ordinance on Stott's Mill – either 1st or 2nd Reading

Tuesday December 27, 2016 – NO MEETING

2016 ADVANCED AGENDAS

Tuesday, January 10, 2017 REGULAR MEETING

RESOLUTIONS

- Procurement Policy

OTHER

- Discussion regarding Town Meeting Space – Study for Lions Park Properties , additional direction to Art Base
- Acknowledgement to Police Department for Receiving Accreditation
- Vitality Zone - Basalt Center Circle

ORDINANCES

- 2nd Reading on Floodplain Regulations
- 2nd reading Marijuana Ordinance(s)

Tuesday January 24, 2016

- Roaring Fork Conservancy Financial Review

PARTIAL LIST OF COUNCIL PRIORITIES TO BE SCHEDULED

- 1 Child Care and Regional Child care
- 2, 1 Community Survey
- 3 Economics of Special events
- 1, 2 Regional healthcare
- 2 Arts and performing arts related to the economy
- 2 Presentations to Council from these committees:
BPAC, POST, CHAMBER, Etc./Council Members to sit on
- 2 Urban renewal at Clarks-updates from Tim B
- 3 Willits intersection
- 3, 3 Way finding –urban trails and connections (part of POST update)
- 3 Changing big boxes to small businesses at Willits
- 1, 1 Single Track trails on public lands connected to Town of Basalt
Zero waste/compost effort in Basalt/Willits
Procurement Policies

OTHER DISCUSSION ITEMS IDENTIFIED BY STAFF

Establish 5 Yr. Capital Improvements Plan
Valley Rd/El Jebel Road Alignment
Traffic Calming on East Valley Rd and Throughout Town
Safe Routes to School
Code amendment Chapter 8 – Parking rules

2016 ADVANCED AGENDAS

Public Works Manual
Worksession – BD&A Chamber
Presentation Colorado Parks and Wildlife – Bear Aware
Flood plain regulations
Two Rivers Road Master Plan
Master Plan Update
Need for Town of Basalt Governmental Space - Art Base Expansion/Basalt Recreation
TACAW Feasibility
Community Vitality Zone on Basalt Center Circle
Procedures for Employee Housing Fund
As needed – updates on Basalt Avenue Underpass
UGB Amendment needed for AH

LAND USE APPLICATIONS

Arbaney Kittle PUD Amendment- Pursuant to pre-development agreement
Town Park Arts Parcel – TACAW Approvals
132 W. Sopris Dr. Special Review
Habitat for Humanity School District Housing
Elice Final Plan
Roaring Fork Club Amendment to Remove Trees
City Market Fueling Station
Administrative – Willits Linear Park
Administrative – Elementary/Middle School Plan

Dear Basalt board ~

10-16

Our family wanted to thank you for the recognition you give the students applying good qualities. We have four children and have been to a handful of town hall meetings since 2005. We are happy to see the tradition carrying on with great benefits! ① Teachers get a chance to recognize students to the community ② Students and parents are more aware of the work you do ③ Students are rewarded with acknowledgment. Win, win all the way around. We appreciate the hard work you do to keep our town the great place it is!

Thank you - Tammy & Michael Koshi

Thank You

REQUEST OF COUNCIL: The Basalt Childcare Coalition requests \$75,000 to support access to high quality childcare for Basalt families.

ISSUES: The research is clear that access to high quality childcare for all our local families is essential to ensuring our children are ready for kindergarten and set up for academic success. As well, families depend on high quality childcare so parents can work and contribute to the economic vitality of our valley. The cost of childcare averages \$60 per day per child, meaning a family with two children can expect to pay \$30,000 annually for full time care, leaving access out of reach for many families. We know that a vibrant community must work together to ensure all families have viable opportunities for their children to be nurtured and to grow.

While State and County financial assistance programs such as CCCAP (Colorado Child Care Assistance Program) and CPP (Colorado Preschool Program) offset the high cost for some families, both are limited in scope and funding. Many Basalt families are caught in the financial snare of making too much money to qualify for state or county funding, yet not enough to cover the full pay cost of childcare. Thus, the funding from the Town of Basalt is critical for many hard-working families to access childcare.

PROGRESS: The Basalt Childcare Coalition in partnership with the Aspen Community Foundation's Cradle to Career Initiative has leveraged the support of the Town of Basalt to make gains in increasing access for local families. Through collective impact, a cohort of dedicated childcare providers, community members, business leaders, and government officials has collaborated over the past two years to increase capacity in our current programs, (approximately 70 new childcare spaces) to provide increased tuition assistance, and to support our local early childhood teachers and directors in professional development to ensure high quality.

We must partner to build on this momentum in the coming year. Our focus in 2017 is to continue to connect low and middle income families to resources, so they have access to childcare. As well, we want to continue to support our local providers with funds for professional development, and plan for future needs. Specifically, we will use \$60,000 for tuition assistance, \$10,000 for professional development, and \$5,000 for planning for additional capacity.

Plans: Looking ahead, we will do the necessary research to determine needs in the coming years. Basalt is seeing an increase in workers with the Aspen Skiing Company's expansion to Basalt, as well as the relocation of the Aspen Community Foundation and the temporary relocation of Pitkin County employees. This will increase demand for local childcare. We know that we will need more capacity for infant and toddler care, and the Basalt Childcare Coalition and the Cradle to Career Initiative are working in concert to assess the needs of Basalt within the entire Aspen to Parachute region. It is through this regional lens that we will be most effective in maximizing impact in the Valley.

The funding provided by the Town of Basalt has been instrumental in addressing the needs of local families. We believe that Basalt strives to be a community that attracts and retains families, and it is imperative that we work together to make sure we have excellent childcare options for our youngest citizens.

Thank you in advance for your consideration.

Basalt Childcare Coalition in partnership with the Aspen Community Foundation Cradle to Career Initiative.

Adele Mathee – Growing Years
 Cara Borchers – Growing Years
 Cindy Gray – RFSD
 Dan Markoya – Alpine Bank
 Jenny Sauer – Alpine Bank
 David Hatfield
 Denise Tomaskovic
 Dustin Anderson – Peak Architecture
 Jenny Lindsay – RFSD

Jonathan Godes – Early Childhood Network
 Ligia Bonilla – CCCAP Pitkin County
 Michelle Oger – Blue Lake Preschool
 Saramanda Zurbuch – Honey Tree Kids
 Shirley Ritter – Kids First City of Aspen
 Suzanne Wheeler- Del Piccolo - RFSD
 John Bennett - AFC
 Gretchen Brogdon - AFC
 Andy Davies - AFC