



**BASALT TOWN COUNCIL  
MEETING MINUTES – SEPTEMBER 10, 2019**

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

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

The regular meeting of the Basalt Town Council was called to order at 6:02 pm on Tuesday, September 10, 2019 by Mayor Jacque Whitsitt. Council members present were Jennifer Riffle (though out of the room at roll call), Auden Schendler, Bill Infante, Gary Tennenbaum and Ryan Slack. Council member Katie Schwoerer was absent.

**2. CONSENT AGENDA:**

**2A.** Minutes: Special Meeting – August 27, 2019

**2B.** Minutes: Regular Meeting – August 27, 2019

**M/S COUNCILORS SLACK AND SCHENDLER THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0. (Councilor Riffle was out of the room.)**

**3. CALL TO THE PUBLIC:**

There were no public comments offered this evening.

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

Council member Auden Schendler said that the school district was requesting local assistance in setting regulations to ban the sale of flavored vape devices, among other assistance as well related to tobacco use, sales and age. Staff noted Pitkin County was set to pass a ban on flavored vapes. Gary Tennenbaum said we should also work with Eagle County to ban flavored vapes at least on this side of Eagle County; to have a wider impact so people can't just cross the street out of Basalt to purchase their flavored vapes. Staff also noted that Carbondale had decided not to tax cigarettes, but they are increasing the age to purchase tobacco to 21; Aspen has banned flavored tobacco products beginning 2020; and Garfield County is not taking any action.

Ryan Slack said that when the final numbers come in on the ANS (Aquatic Nuisance Species) program at Ruedi, it will probably be 20 times what it was last year. The inspections are

working to protect Ruedi. Ryan said there was a good team up there and this was money well spent.

Bill Infante stated he had received the same letter as everyone and wanted to set aside some time to discuss a legal case against the town. Jeff Conklin said there was not an additional lawsuit, but he would be reviewing the notice the Town received and would discuss it with council in executive session.

Jacque Whitsitt said it had been a beautiful week. She also said she'd been thinking that Basalt has a fabulous staff that carries the load of 3 times what people should be able to do every day of the week; and we are lucky, lucky to have all of you.

Jennifer Riffle offered gratitude for the weather forecasters who are bringing awareness of flash flood warnings and continuing to invite awareness to our citizens to protect property and be ready.

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

Town Manager Ryan Mahoney reported that he and Auden Schendler had attended the CP{W (Colorado Parks and Wildlife) meeting in Rifle today to get clarification on the shooting range. CPW indicated that they did not receive the letter that was sent to them; though the Secretary to the Board did indicate they had received the first letter from Council. Ryan followed up with Matt Yamashita with regard to the 2<sup>nd</sup> letter. Matt indicated that there had been no decision made on the hours of operation at the shooting range; they are working on the sign; no decision had been made on closing the range when Stage 2 fire restrictions are imposed. These types of requests are reviewed locally then sent up regionally for formal rule changes.

Ryan reported via email to Council today the additional mitigation project they had been working on at the Cedar/Pinon intersection drainage; The Town has State Engineer approval and the contract so mobilization has begun. Jennifer Riffle said she was grateful they are keeping the old peach tree; it won't be uprooted. If there is to be relocation of the old tree, they are to contact Ryan.

Will Toor, of the Colorado Governor's Energy Office, was here and met with a lot of really engaged people on energy issues. There is a lot of will in this whole community to work on climate issues; 15 climate and energy bills have passed this year in the State. The Governor's Energy Office can help us as a resource.

## **6. COUNCIL ACTIONS**

**6A. Public Hearing on the Selection of 2020 Beneficiary of Roaring Fork Charity Classic:**  
Ratification of Recommending Committee's Recommendation to appoint Response as the 2020 Beneficiary of the Roaring Fork Charity Golf Tournament (Ryan Mahoney/Watkins Fulk-Gray)

Staff Planner Watkins Fulk-Gray addressed this item with council reviewing the terms of the annexation agreement setting aside golf tournament opportunities for the community. Local non-profit Response had a good tournament this year and have requested a second year. The Town has had 2-year beneficiaries in the past. The Selection Committee met in August and recommended Response be awarded a second year and also recommended that the 20year beneficiary program be reinstated with caveats.

Mayor Whitsitt opened the public hearing at 6:17 pm. There was no public comment and the hearing was closed.

Discussion followed on the 3 annual events the Town has at the Club. Bill Infante asked for some annual or programmed report from the beneficiaries – what they do with their money, how they monitor their effect and impact, etc.

Mayor Whitsitt asked that the Basalt Education Foundation, who has held events at the Club for years, also be asked to report annually.

**M/S COUNCILORS SLACK AND INFANTE THAT THE TOWN COUNCIL APPROVE RESPONSE AS THE ROARING FORK CHARITY CLASSIC RECIPIENT FOR 2020. THE MOTION CARRIED 6-0.**

**6B. First Reading of Ordinance No. 19, Series of 2019:** An Ordinance of the Town Council of Basalt, Colorado, Approving a License and Indemnity Agreement for the Installation and Maintenance of Electric Vehicle Charging Stations in the Gisella Way Right-of-Way Adjacent to the Basalt Regional Library, 14 Midland Avenue, Basalt, Colorado (James Lindt)

Assistant Planning Director James Lindt and Library representative Cathy Click explained the plan to install equipment to charge up to 6 electric vehicles at the Basalt Regional Library.

Auden Schendler said he would like to see more fast chargers.

Bill Infante asked about revenue and who/how it is collected. Currently, the chargers in town are free of cost; staff is discussion as to setting fees and what fees would be appropriate.

**M/S COUNCILORS SLACK AND SCHENDLER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 19, SERIES OF 2019 ON FIRST READING AND SE THE PUBLIC HEARING AND SECOND READING FOR SEPTEMBER 24, 2019. THE MOTION CARRIED 6-0.**

**6C. First Reading of Ordinance No. 20, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Designating Off-Leash Areas for Dogs (Ryan Mahoney/Greg Knott)

Town Manager Ryan Mahoney and Chief of Police Greg Knott discussed the areas that dogs would be allowed to be leash-free. Four locations are anticipated: a portion of Linear Park, Confluence Park, Southside Park and a portion of Arbaney Park.

Council members discussed potential enforcement issues with some proposed sites.

Gary Tennenbaum talked about having specific demarcations rather than virtual lines to identify leash-free sites; virtual lines would be difficult to enforce. Gary also asked if enforcement would begin at Basalt River Park right away.

Chief Knott noted there would be some period of explanation and education prior to any enforcement. Signage for these off-leash sites was discussed. Chief Knott noted that the Arbaney Park area could be amended to keep the gazebo as a dog-leash area.

Jennifer Riffle said from a dog owner's perspective it would be easier to say "no dogs in the gravel" at Arbaney Park. Jenn also stated that there is a good community of dog owners in Arbaney who communicate and alert each other to events at the gazebo or other times to keep dogs leashed; Jenn noted there was good community policing among dog owners.

Ryan Slack clarified amendments: setting a more specific line to delineate the leash free space at Arbaney Park, and keeping dogs off the gravel at Arbaney Park. Susan Philp said there would also be a tweak of language for clarification that would be presented at second reading for the Linear Park off leash areas.

**M/S COUNCILORS SLACK AND SCHENDLER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 20, SERIES OF 2019 ON FIRST READING WITH THE CHANGES TO ARBANAY PARK AND LINEAR PARK AS NOTED BY SUSAN PHILP, GARY TENNENBAUM AND JENNIFER RIFFLE, AND SET THE PUBLIC HEARING AND SECOND READING FOR SEPTEMBER 24, 2019. THE MOTION CARRIED 6-0.**

**6D. Public Hearing and 1<sup>st</sup> Reading of Ordinance No. 21, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Granting Final Site Plan Approval for the Construction and Operation of the Arts Campus at Willits (TACAW) on the Town Park-Arts Center Tract Parcel Located in Willits Town Center (Sara Nadolny)

Town Planner Sara Nadolny led Council through this discussion with Ryan Honey, Michael Lipkin, Jody Edwards and Jeff Orsulak.

Sara noted the location of the Town Park-Arts Center Tract and the changes proposed since the Sketch Plan review. The passive lawn area intended for Phase 2 of the development was shown and noted as not being for public use. Discussion items resulting from the P&Z review were noted: P&Z desires an energy efficient green building; P&Z wanted the applicant to work on the design of the building to hone the civic presence; and P&Z discussed the lawn area and asked Council to revisit it after 10 years (Sara noted an additional handout at Council's seats this evening which edited Condition No. 15 of Exhibit A.) Amended/added conditions were noted.

Ryan Honey made a brief presentation about how TACAW got here and outlined their successes at the Temporary, the events held, the economic impact due to the Temporary, and the funds raised by other non-profits through events held at the Temporary. Non-profit partners of The Temporary were listed. Slides also depicted the original vision of The Temporary and the types of programs they accomplished. Council also commented on the parking, reasonable fee for Town use of the space.

Michael Lipkin walked everyone through the building, the vision for the building and changes made since Council reviewed last.

Mayor Whitsitt opened the public hearing at 7:05 pm. There were no public comments and the hearing was closed.

Council members Tennenbaum, Riffle and Mayor Whitsitt commented on the plans, most especially highlighting the fenced lawn area which they felt was a blocked public space. The applicant noted they wanted the opportunity to explore what the back fenced area could be in outdoor programming. Staff noted that they wanted to work more with the applicant on the fence.

Bill Infante thanked the applicants for their plans and noted that the absence of The Temporary was hurting the merchants and restaurants in the Willits area; the sooner the applicant can get people back into events, the better. Auden Schendler noted it was admirable to do a 'green building', but there is a price premium to go from 80% to 100% net zero building and he would prefer to see a 100% electric building than a 100% net zero building; he asked the applicant to keep that as an option. Auden also noted that perhaps a central heating plant in the Aspen Skiing Company building could potentially tie to the new Contemporary; something worth a conversation.

Jennifer Rifle thought about longer term fund raising and wondered how naming rights might go with the building in the future.

Ryan Slack felt the plans were awesome, and also felt that it was somewhat disingenuous that the fence was not shown in the drawings, but understood their thinking behind it and encouraged them to find a middle road on the fence.

Mayor Whitsitt would like to see this come back with the fence figured out; she guaranteed the community would have a feeling.

Ryan Honey felt the most critical piece was for this council to commit to all three phases, that this whole parcel would be set as the arts campus now and in the future; commit to this long term vision.

**M/S COUNCILORS INFANTE AND SLACK THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 21, 2019 ON FIRST READING, AND CONTINUED AND SET THE PUBLIC HEARING AND SECOND READING FOR SEPTEMBER 24, 2019, SUBJECT TO THE VERY LEGITIMATE CONCERNS OF COUNCIL REGARDING THE FENCE AND THE EQUALLY LEGITIMATE CONCERNS ABOUT DELINEATING A SPACE FOR USE BY THE COMMUNITY; AND SUBJECT TO POTENTIAL ADDITIONAL EDITS TO CONDITION 15 OF EXHIBIT A. THE MOTION CARRIED 6-0.**

**6E. First Reading of Ordinance No. 22, Series of 2019:** An Ordinance of the Town Council of the Town of Basalt, Colorado, Creating a Special Fund Account for Restricted Revenue Funds (Christy Hamrick)

Finance Director Christy Hamrick explained that this was a move toward a different fund structure. All the restricted revenues are currently comingled in other accounts. The Auditors have recommended we move this direction for more clarity and understanding of general operating versus restricted funds; this will be more transparent and efficient.

**M/S COUNCILORS SCHENDLER AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO 22, SEREIS FOF 2019 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR SEPTEMBER 24, 2019.**

Town Attorney Jeff Conklin noted that he would bring back a language amendment related to fund interest at the second reading.

**THE MOTION CARRIED 6-0.**

**6F. Resolution No. 35, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Approving an Equipment Lease/Purchase Agreement with NBH Bank for a Street Sweeper (Ryan Mahoney)

Town Manager Ryan Mahoney discussed the lease/purchase agreement for a new street sweeper with Council. It was noted that Finance Director Christy Hamrick and Ryan Mahoney would be able to make minor tweaks to the Resolution at the direction of the Town Attorney to suit the bank.

**M/S COUNILORS SLACK AND SCHENDLER THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 35, SERIES FO 2019. THE MOTION CARRIED 6-0.**

**6G. Resolution No. 36, Series of 2019:** A Resolution of the Town Council of Basalt, Colorado, Declaring Surplus Property for Sale or Disposal (Ryan Mahoney)

Town Manager Ryan Mahoney explained this was a Resolution allowing the Town to get rid of town equipment. The Town has an offer from the company we bought the old sweeper from to buy the sweeper back.

**M/S COUNCILORS SLACK AND RIFFLE THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 36, SERIES OF 2019. THE MOTION CARRIED 6-0.**

**7. INFORMATION AND CORRESPONDENCE**

- 7A. Accounts Payable
- 7B. Advanced Agendas
- 7C. Correspondence to the Town

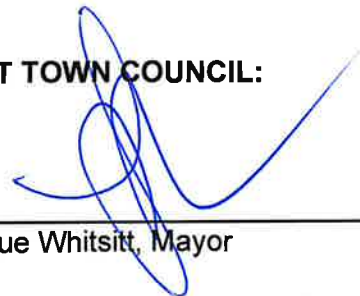
Councilor Riffle asked what Cadfish LLC was. Ryan Mahoney explained it was an individual ho worked doing plan reviews for the Town.

**8. MOTION TO ADJOURN**

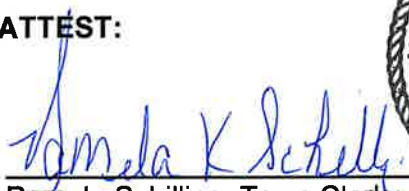
The meeting adjourned at 7:45 pm.


The minutes of this September 10, 2019 meeting were read and approved this 24<sup>th</sup> day of September, 2019.

**BASALT TOWN COUNCIL:**

By:   
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 Jacquie Whitsitt, Mayor

**ATTEST:**

  
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 Pamela Schilling, Town Clerk



This meeting can be viewed in its entirety at:  
<https://townofbasalt.ompnetwork.org/sessions/114035?embedInPoint=1&embedOutPoint=6612&shareMethod=link>