TOWN OF 1901 BASALT

101 Midland Avenue, Basalt, CO 81621

Meeting Date: September 6, 2016
Location: Town Council Chambers

TOWN COUNCIL SPECIAL MEETING MINUTES

1. Call to Order (Mayor Whitsitt)

Mayor Whitsitt called the meeting to order at 6:04 pm on Tuesday, September 6, 2016.

2. Roll Call (Pam Schilling)

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

3. Consent Agenda

3A. Continue the Public Hearing and First Reading of Ordinance No. 21, Series of 2016 to September 13, 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 GRAUER AND RIFFLE THAT THE TOWN COUNCIL CONTINUE THE PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 21, SERIES OF 2016 TO SEPTEMBER 13, 2016. THE MOTION CARRIED 6-0.

4. Public Comment for Items Not on the Agenda

Ted Guy read a statement for the record related to the scheduled executive session later this evening; Stacey Craft, Michael McVoy, Toni Kronenberg, Mark Kwiecinski, and Mary Kenyon offered public comments this evening.

5. SECOND READING OF ORDINANCES NO 23, Series of 2016

5A. Public Hearing and Second Reading of Ordinance No. 23, Series of 2016: An Ordinance of the Town Council of Basalt, Colorado, Approving a Contract for the Purchase from the Roaring Fork Development Corporation Real Property Identified as Lot 1 of the Basalt Community Campus and Basalt Park Minor Subdivision

Town Attorney Tom Smith and CDC representative David Myler led discussion of this item.

The public hearing was opened at 6:25 pm.

Public speaking on this matter were Steve Chase, Toni Kronenberg, Stacey Kraft, Margot Pendleton, Greg Shugars, Steve Chase, Lynne Mace and Mark Kwiecinski.

The public hearing was closed at 6:48 pm.

M/S COUNCILORS GRAUER AND SCHWOERER THAT THE TOWN COUNCIL APPROVE ORDINANCE NO 23, SERIES OF 2016 ON SECOND READING WITH THE PURHCASE PRICE SET AT $2.9 MILLION. THE MOTION CARRIED 6-0.

6. RESOLUTIONS ***Public Comment will be taken on Resolutions No. 36 and 37.***

6A. Resolution No. 36, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Calling a Special Election on November 8, 2016 for Authorization to Incur Debt Related to the Acquisition of 2.317 Acres of Real Property Currently Owned by the Roaring Fork Community Development Corporation, Setting the Ballot Title and Content for the Ballot Issue; and Providing Other Matters Relating Thereto

6B. Resolution No. 37, Series of 2016: A Resolution of the Town Council of Basalt, Colorado, Calling a Special Election on November 8, 2016 for Authorization to Incur Debt Related to the Design and Construction of the Basalt River Park Improvement Project; Setting the Ballot Title and Content for the Ballot Issue; and Providing Other Matters Relating Thereto

Town Finance Consultant Bruce Kimmel was present via phone. Bond Counsel Paul Wisor was present. Mayor Whitsitt opened the public hearing on the ballot language resolutions, Resolution No. 36 and Resolution No. 37 at approximately 8:08 pm.

Public comments/questions were made by Steve Chase, Mark Kwiecienski, Nick Aceto, Rick Stevens and Cathy Click.

A brief recess was called at 8:08 pm; the meeting resumed at 8:13 pm.

Citizens commenting on the ballot questions were:
Mark Kwiecienski, Greg Shugars, Toni Kronenberg, and Margo Pendleton.

Council discussion followed.

Susan Philp and Paul Wisor read the amended Option #2 for inclusion in Resolution No. 36 to read as follows:

> ACQUISITION OF APPROXIMATELY 2.317 ACRES OF REAL PROPERTY LOCATED IN THE TOWN AND CURRENTLY OWNED BY THE ROARING FORK COMMUNITY DEVELOPMENT CORPORATION, 1.0 ACRES OF THE WESTERN PORTION OF SAID PROPERTY TO BE MADE AVAILABLE FOR COMMERCIAL OR PUBLIC PURPOSE BUILDING DEVELOPMENT AND THE REMAINING ACRES OF SAID PROPERTY TO BE USED FOR A TOWN RIVER PARK AND SUPPORTING USES

M/S COUNCILORS GRAUER AND SCHENDLER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 36, SERIES OF 2016; TO INCLUDE OPTION 2 AS AMENDED. THE MOTION CARRIED 6-0.

M/S COUNCILORS TENNENBAUM AND GRAUER THAT THE TOWN COUNCIL APPROVE RESOLUTION NO. 37, SERIES OF 2016, AS AMENDED FOR OPTION B, AND CALLING A SPECIAL ELECTION ON NOVEMBER 8, 2016 FOR AUTHORIZATION TO INCUR DEBT RELATED TO THE DESIGN AND CONSTRUCTION OF THE BASALT RIVER PARK IMPROVEMENT PROJECT; SETTING THE BALLOT TITLE AND CONTENT FOR THE BALLOT ISSUE; AND PROVIDING OTHER MATTERS RELATING THERETO, SUBJECT TO THE ASSIGNMENT OF A BALLOT NUMBER AND LETTER. THE MOTION CARRIED 6-0.

7. SECOND READING OF ORDINANCES NO. 22, Series of 2016

7A. Public Hearing and Second Reading of Ordinance No. 22, Series of 2016: An Ordinance of the Town Council of the Town of Basalt, Colorado, Amending Chapter 4, Article IV of the Basalt Municipal Code, Entitled Sales Tax, to Permit not more than 20% of the Fund Generated by the 1% Sales Tax Rate Dedicated to Capital Improvements Projects for Parks, Open Space Acquisition and Trail Projects, to be used for the Maintenance of Parks, Open Space and Trails, and Submitting this Ordinance to a Referendum Election

Planning Director Susan Philp led discussion of this item.

Mayor Whitistt opened the public hearing at 9:13 pm. There were no comments and the public hearing was closed.

M/S COUNCILORS SCHENDLER AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 22, SERIES OF 2016 ON SECOND READING. THE MOTION CARRIED 6-0.

8. Executive Session:

M/S COUNCILORS GRAUER AND RIFFLE TO ENTER EXECUTIVE SESSION WITH TOWN ATTORNEY TOM SMITH AND SPECIAL COUNSEL STEVE DAWES IN ACCORDANCE WITH CRS 24-6-402(4)(B), FOR PRIVILEGED ATTORNEY-CLIENT COMMUNICATIONS AND RECEIVING LEGAL ADVICE REGARDING:

1) An August 25, 2016, Open Records Act request from Ted Guy and others; and
2) Mike Scanlon' employment and his employment agreement.

THE MOTION CARRIED 6-0.

Council entered executive session at 9:17 pm.

Council recalled the Clerk to the meeting at 10:22 pm and recording resumed.

9. Council Action Item

9A. Consideration of direction to the Town Attorney and Special Counsel regarding the August 25, 2016, Open Records Act request.

Special Counsel Steve Dawes explained the item surrounding the open records act noting that a Friday, August 26, 2016, through law firm of Levine, Sullivan, Koch and Schulz, LLP in Denver. Among the items requested were items were audio recordings of Town Council executive

sessions of April 26, May 24, 2016 August 9, 2016 and August 11, 2016. Mr. Dawes noted that the matters included attorney client privilege subject to negotiations and confidential personnel matters.

M/S COUNCILORS GRAUER AND RIFFLE TO DIRECT THAT THE AUDIO RECORDINGS FROM APRIL 26, 2016, MAY 254, 2016, AUGUST 9, 2016 AND AUGUST 11, 2016 SHOULD NOT BE DISCLOSED BECAUSE THEY CONTAIN PRIVILEGED INFORMATION.

Council comments followed related to the preservation of attorney client privilege as it relates to executive sessions, as well as the preservation of individual rights related to personnel matters discussed in executive sessions.

THE MOTION CARRIED 6-0.

10. INFORMATION AND CORRESPONDENCE:

NO ACTION REQUIRED BY THE TOWN COUNCIL

A. Correspondence to the Town

11. ADJOURNMENT

M/S COUNCILORS TENNENBAUM AND GRAUER TO ADJOURN THE MEETING AT 10:28 PM. THE MOTION CARRIED 6-0.

The minutes of the September 6, 2016 meeting were read and approved this 27th day of September, 2016.

BASALT TOWN COUNCIL:

By:_____
Jacque Whitsitt, Mayor

ATTEST:

_____
Pamela Schilling, Town Clerk

TOWN OF BASALT, COLORADO
SEAL

This meeting can be viewed at:

http://basalt.ompnetwork.org/shows/basalt-council-special-meeting-090616?iframe_mode=true