



**BASALT TOWN COUNCIL
MEETING MINUTES – JULY 9, 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 6:01 pm on Tuesday, July 9, 2019. Council members present were Bill Infante, Gary Tennenbaum, Ryan Slack, Katie Schwoerer. Jennifer Riffle arrived just after roll call. Auden Schendler was absent.

2. CONSENT AGENDA:

2A. Minutes: June 25, 2019

2B. Requested correction to Minutes of June 11, 2019 (Pam Schilling)

M/S COUNCILORS SCHWOERER AND SLACK TO APPROVE THE CONSENT AGENDA AS PRESENTED INCLUDING THE CORRECTION TO THE MINUTES OF JUNE 11, 2019. THE MOTION CARRIED 6-0.

3. CALL TO THE PUBLIC:

3A. Positive Comments and Gratuities about Basalt

3B. At this time members of the public are invited to address the Town Council on any issue, except for items scheduled for a Public Hearing at this meeting.

There were no public comments presented this evening.

4. MAYOR AND COUNCIL REPORTS/COMMENTS

Jennifer Riffle offered kudos to the planning department for their work in the Sunday Market and all those involved in putting the Market together.

Mayor Whitsitt noted the Chamber's Summer Concert Series, Shakespeare In the Park, the Willits Street concert and block party, and Basalsa event.

5. MANAGER'S REPORT

Manager Mahoney stated he had no report this week.

6. COUNCIL ACTIONS:

6A. Public Hearing and Second Reading of Ordinance No. 13, Series of 2019: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving an Amendment to the Lease Agreement with the Roaring fork Conservancy and Consent to Assignment with Alpine Bank (Ryan Mahoney)

Town Manager Ryan Mahoney noted this was the 2nd reading of the ordinance. An Alpine Bank representative was present; Pat McMahon was to have been present, but council was ahead of schedule on the agenda.

Mayor Whitsitt opened the public hearing at 6:07 pm. There were no public comments and the hearing was closed.

At the request of Katie Schwoerer, Ryan Mahoney verified that this was a single rate loan with a 20-year term.

M/S COUNCILORS BILL INFANTE AND RYAN SLACK THAT THE TOWN COUNCIL ADOPT ORDINANCE 13, SERIES OF 2019 ON SECOND READING. THE MOTION CARRIED 6-0.

6B. Public Hearing and Second Reading on Ordinance No. 10, Series of 2019: Public Hearing – Aspen Skiing Company Application: For the purpose of considering an application submitted by the Aspen Skiing Company on behalf of the property owner, Willits Town Center, LLC for amendments to the Willits Town Center PUD to permit the Aspen Skiing Company's Willits Workforce Housing Project on Block 9 of the Willits Town Center PUD, Basalt, Colorado (Aspen Skiing Company Application) (James Lindt)

Assistant Planning Director James Lindt introduced David Corbin, Senior Vice President for Planning and Development and Phillip Jeffries of the Aspen Skiing Company. Staff reviewed changes made by the Skiing Company who added a revised mix of units, the potential for the corners of the first floor of the building to be commercial and office, 8 deed restricted housing units with priority for day care professionals, and 12 off street parking spaces in a tandem configuration.

Phillip Jeffrey's spoke to the annual fee of \$20,000 for use of on-street parking spaces – the fee intended to be used for parking management and enforcement. They also added details of their global green improvements which includes a condition in the ordinance that the building will be heated with electricity. The applicant also noted they could not make the building bigger as it was restricted by the PUD.

David Corbin stated they had no proposed changes or revisions to the documents presented to Council this evening.

Mayor Whitsitt opened the public hearing at 6:15 pm. Citizens speaking this evening were: Carol Hawk, Willits resident; and Scott Picard, owner of Sure Thing Burger at Willits.

Council comments followed.

M/S COUNCILOR STENNENBAUM AND INFANTE TO ADOPT ORDINANCE NO. 10, SERIES OF 2019 ON SECOND READING. THE MOTION CARRIED 4-2 WITH COUNCIL MEMBERS SLACK AND WHITSITT OPPOSED.

6C. Resolution No. 24, Series of 2019: A Resolution of the Town Council of Basalt, Colorado, Amending Resolution No. 23, Series of 2017 regarding performance standards and requirements that the Arts Campus at Willits (TACAW) must satisfy in order to obtain additional funding from the Town of Basalt (Ryan Mahoney/Jeff Conklin)

Town Manager Ryan Mahoney introduced Jody Edwards and Ryan Honey representing TACAW, who were present this evening. TACAW has asked the Town to modify the terms of the 2017 Resolution to provide access to the RETA Arts money to begin constructing a permanent facility.

Council questions and comments followed.

Town Attorney Jeff clarified his understanding of the council consensus for two possible amendments and inclusion in a motion: To add a new paragraph 1E – add the phrase “available or contractually secured for use for construction of the arts center” and then in paragraph 1F1 would be revised to say “use of the funds in a construction account that is restricted to “hard” construction costs. The word “hard” was to be added to paragraph 1F2 as well.

Jennifer Riffle asked about the timing to the access to RETA funds and the conflict of interest issue raised in earlier discussion. She also asked the item be postponed for two weeks to get the amended language back for review, and for all Council members to be on board.

Ryan Honey explained that TACAW has an internal conflict of interest policy which their board members are required to sign annually.

M/S COUNCILORS SLACK AND INFANTE THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 24, SERIES OF 2019 WITH THE AMENDMENTS TO ADD TO PARAGRAPH 1E THE PHRASE “AVAILABLE OR CONTRACTUALLY SECURED FOR USE FOR CONSTRUCTION OF THE ARTS CENTER”; AND IN PARAGRAPH 1F1 WOULD BE REVISED TO SAY “USE OF THE FUNDS IN A CONSTRUCTION ACCOUNT THAT IS RESTRICTED TO “HARD” CONSTRUCTION COSTS.; THE WORD “HARD” WAS TO BE ADDED TO PARAGRAPH 1F2 AS WELL.

Katie Schwoerer said she would vote no on this item at this time having asked for additional financial information which, if favorable, could result in her voting in favor at the next meeting if this item were to be continued. Jennifer Riffle was on board with Katie’s comments and noted if additional financial information were to be shared, it needed to be shared with all council members.

THE MOTION CARRIED 4-2 WITH COUNCIL MEMBERS SCHWOERER AND RIFFLE OPPOSED.

6D. Tabor Issues Discussion (Ryan Mahoney/Christy Hamrick)

Town Manager Ryan Mahoney introduce Bill Ray present via conference phone and Dee Wisor and Bruce Kimmel also standing by if any technical questions were raised that would best be answered by them.

Manager Ryan Mahoney offered a recap of the TABOR issue and the staff and council efforts to be transparent and accountable during this process.

Mayor and Council members asked questions and made comments on the TABOR matter and the COPs (Certificates of Participation). General consensus was to refund the tax that had been collected using COPs and to go for a vote of the public to set the mill levy.

Council member Infante was on board with the consensus to go to the voters to set the mill levy. Bill said, however, that he heard that the Town would have a good and defensible case for retaining the collected tax funds and was in favor of seeking whether voters would vote to retain the tax funds. Bill felt this could reduce the burden on the Town's cash flow and the liability to the Town. Bill didn't see that having 2 questions on the ballot would threaten one or the other.

Jeff Conklin clarified Council consensus that Council wished to direct staff to prepare a resolution with ballot language to approve a mill levy; and to direct staff to prepare an ordinance to issue a refund funded through Certificates of Participation.

M/S COUNCILORS RIFFLE AND SCHWOERER TO DIRECT STAFF TO PREPARE A RESOLUTION WITH BALLOT LANGUAGE TO SET A MILL LEVY; AND TO FURTHER DIRECT STAFF TO PREPARE AN ORDINANCE TO ISSUE A REFUND THROUGH THE ISSUANCE OF CERTIFICATES OF PARTICIPATION (COPs).

Town Attorney Jeff Conklin reiterated these items would both be coming back before Council; tonight's actions were not final.

THE MOTION CARRIED 5-1 WITH COUNCIL MEMBER BILL INFANTE OPPOSED.

Mayor Whitsitt noted Council had not been taking public comment on this matter of late, but once resolutions and ordinances are prepared, they would take public comment.

6E. Review and Approval of Donation Policy on Town Parks/Property (Susan Philip)

Planning Director Susan Philip noted that creating a donation policy of trees, benches, works of art, etc., was part of the POST work program. Consistent with the direction included in the Ordinance, staff is seeking Council feedback to POST on their framework for a donation policy. Susan discussed the proposed ways in which a donation could be made.

Lynne Mace spoke to the proposed art locations and asked for a wider berth of potential art placement locations. She also thought the type of art should be governed by BPAC and the location governed by POST. Lastly, Lynne spoke to what would happen to the art after its display time was over.

Peggy Bair spoke about a life-sized fisherman sculpture to be created by Howard Nevil which her family would like to donate to the Town along with the cost of installation and any future repairs. She wondered what the next step would be toward that donation. Council noted they would not be making that decision this evening; tonight Council was simply working on the policy for donations.

Councilor Tennenbaum felt art should be handled by BPAC and should be part of a master plan.

Mayor Whitsitt agreed it should be master planned.

Councilor Slack loved that Basalt was increasing the art, encouraged expansion of the locations that art could be placed.

Councilor Infante agreed with the notion of having a plan and a vision, but felt art was about spontaneity and innovation and to prescribe very closely what we will do and where we will do it and cast that in stone would be misguided. He encouraged BPAC to work with donors to commission art.

M/S COUNCILORS TENNENBAUM AND SLACK THAT THE COUNCIL TAKE THE DRAFT POLICY OF JUNE 12 AND DIRECT STAFF TO WORK WITH POST AND BPAC TO REFINE THIS TO COME UP WITH A DONATION POLICY THAT INCLUDES ALL OF THESE THINGS; IT NEEDS TO BE AN OVERALL PLAN FOR THE TOWN; AND THE PLAN SHOULD BE PART OF BPAC'S MASTER PLAN AND SHOULD BE PART OF POST'S PLANS FOR DESIGNING THEIR PARKS.

Councilor Infante took issue with point 1 under C.1 of the Draft. Staff clarified their intent.

THE MOTION CARRIED 6-0.

7. INFORMATION AND CORRESPONDENCE:

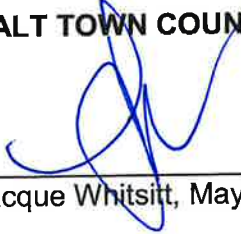
- 7A. Accounts Payable
- 7B. Advanced Agendas
- 7C. Sales Tax Report – May 2019
- 7D. Correspondence to the Town

8. MOTION TO ADJOURN

The meeting adjourned at 8:57 pm.

The minutes of this July 9, 2019 meeting were read and approved this 23rd day of July, 2019.

BASALT TOWN COUNCIL:

By: 

Jacques Whitsitt, Mayor

ATTEST:



Pamela Schilling, Town Clerk



This meeting can be viewed in its entirety at:

<https://townofbasalt.ompnetwork.org/sessions/110029?embedInPoint=1&embedOutPoint=7766&shareMethod=link>