



**BASALT TOWN COUNCIL
MEETING MINUTES – JULY 23, 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

Mayor Jacque Whitsitt called the regular meeting of the Basalt Council to order at 6:02 PM on Tuesday, July 23, 2019. Council members present were Auden Schendler, Jennifer Riffle, Bill Infante, Ryan Slack and Katie Schwoerer. Council member Gary Tennenbaum was absent.

2. CONSENT AGENDA

2A. Minutes: July 9, 2019

2B. National Night Out: Triangle Park, Tuesday, August 6th – Special Event Activity Permit (Watkins Fulk-Gray)

2C. Market Street Block Party: Market Street at Willits, Friday, August 9, 2019 – Special Event Activity Permit

Council member Bill Infante requested a correction to the minutes of the July 9 meeting: Page 4, paragraph 2, line 2 to be amended from “he had heard” to “we were advised”.

M/S COUNCIL MEMBERS SLACK AND INFANTE TO APPROVE THE CONSENT AGENDA WITH THE MINUTES OF 07/09/19 AS AMENDED. THE MOTION CARRIED 6-0.

3. CALL TO THE PUBLIC

3A. Positive Comments and Gratitudes 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 citizen comments this evening.

4. MAYOR AND COUNCIL REPORTS/COMMENTS

Council member Ryan Slack noted that the Ruedi Water and Power Authority (RWAPA, which we support with other local agencies, helped support the Aquatic Nuisance Species (ANS) program and has found 6 boats with the non-native aquatic wildlife – triple the number of last year. The program is working to keep Ruedi safe from the nuisance species.

Council member Katie Schwoerer asked that the Council and Town of Basalt to join over 750 local governments and 16 countries in declaring a climate emergency in response to our current

climate crisis. Declaring a climate emergency has been proposed in both the US Senate and House; Katie read a portion of the Senate Resolution. Katie said the adoption of a local resolution would set the tone of the Town to make climate action our first and foremost priority, and set the groundwork to let our local communities know that this is the greatest challenge that human civilization has ever encountered.

Auden Schender supported Katie's request noting it would also provide leadership to future councils. Auden also suggested the Town should place a question on the next ballot to ask if each community would switch to renewable energies. Mayor Whitsitt suggested this go through the Green Team

Bill Infante supported Katie's request and would like to see Council advance the resolution as soon as possible.

Council member Auden Schendler said that the kayak play park was keeping people away; they were scared of it. He wanted to let Pitkin County know the Town would love to help improve the park this fall. Ryan Mahoney explained that John Ely and Lisa MacDonald of Pitkin County are planning to have the park fixed and engaging more of the community (not just the boaters.)

Auden discussed the 'deadness' of the ex-Clark's Market parcel and would like to engage the owners to do something with that parcel.

Council member Jennifer Riffle said she was on-board with the whitewater park suggestions and that discussion with Commissioners about the whitewater park was scheduled for the September 24 meeting.

Jennifer said she was full of gratitude for seeing Eagle County's work on the wildfire mitigation debris flow work they are completing now. They are creating check dams with 4 huge machines; it was very impressive.

Mayor Whitsitt gave a shout-out to all the volunteers who put on Basalsa; it was a great event. She hoped it could be more diverse next time.

Jacque noted she had participated in an opioid discussion at the Basalt library yesterday, mostly attended by clinicians. The clinicians at the discussion spoke about how kind our Basalt police were to our homeless population here. Jacque felt that said a lot about how you treat the very downtrodden.

5. MANAGER'S REPORT

Town Manager Ryan Mahoney introduced and discussed with Council each of the 4 letters of support presented this evening.

5A. Request for Letter of Support for the proposed 5 MW Solar Project

Mayor Whitsitt, although in support of the project, expressed her concern with the Town weighing in on another governmental entities' projects and would recuse herself from voting on this. She also felt that it should be on the Action Items if council is to vote on it; as well, it was not on the agenda for the public to speak on it.

M/S COUNCILORS SCHENDLER AND SCHWOERER THAT THE TOWN COUNCIL SEND THE LETTER OF SUPPORT FOR THE PROPOSED 5MW SOLAR PROJECT IN PITKIN COUNTY. THE MOTION CARRIED 5-0-1 WITH JACQUE WHITSITT ABSTAINING.

5B. TACAW Letter of Support

This is a letter of support for TACA to use to help gain support with their donors for their fundraising for The Permanent; he noted a change to the letter as well. Jacque Whitsitt reiterated her concerns stated previously. Katie Schwoerer added her concern that all non-profits could come to the Town for an endorsement and she did not want to get in to that; she felt the Town's actions have been very clear in support of the TACAW. Auden felt if this were a public policy decision it would absolutely need public comment; but, among other things, this reflects previous support

M/S COUNCILORS INFANTE AND SCHENDLER TO APPROVE AND PROVIDE THE LETTER OF SUPPORT TO TACAW A HIGHLY ESTEEMED AND TRUSTED PARTNER IN PROMOTING THE ARTS IN BASALT. THE MOTION CARRIED 5-0-1 WITH JACQUE WHITSITT OPPOSED.

Jennifer Riffle spoke to the consistency in process and how the Board works together toward end goals.

Bill Infante said that NWCCOG had been working on a policy for issuing letters of support which Bill had requested be sent to him when complete; this might be worthwhile to help create a framework for the Town's policies on requests for support.

5C. Department of Local Affairs (DOLA) – Renewable Energy Challenge Grant

Ryan Mahoney explained this was a last minute request by DOLA – a very short window for a grant was issued by the governor. CORE took the lead on this and have partnered with Garfield County; they are seeking a general nod of support for their efforts. They are wanting to identify areas within the region where solar installations could be placed; this would be a ready inventory for potential future installations. There is a request from the Town for \$2500 in the 2020 budget.

M/S COUNCILORS SCHENDLER AND SCHWOERER THAT THE TOWN COUNCIL LETTER AUTHORIZE SENDING THE LETTER WITH AN EDIT BY TOWN ATTORNEY JEFF CONKLIN TO ADDRESS THE FUNDING. THE MOTION CARRIED 6-0.

5D. Roaring Fork Charity Golf Classic (This item was not included on the agenda, but brought forth this evening):

Planning Director Susan Philp explained that RESPONSE had been awarded the 2019 golf tournament and would like it for a second year. Staff noted the Town used to give it out for 2 years at a time. Staff is recommending that the selection committee reconvene and weigh in on whether it be opened to all for next year, or granted to RESPONSE for a second year; and also to look at the 3rd event the Town has available to it.

Bill Infante was in favor of convening the group as was done last year. He suggested he, Auden Schendler, Jeff Hasley, Ryan Mahoney, Watkins Fulk-Gray, (Jennifer Riffle served as an alternate), and whoever else, meet the last week of August. RESPONSE was hoping for a decision as soon as possible. There were no objections from Council to convening the same group of individuals during the last week of August and having them return a recommendation to the full Council.

6. PRESENTATIONS

6A. 2018 Audit Presentation and Motion to Accept 2018 Audit (Christy Hamrick, Paul Backes, McMahan and Associates)

Paul Backes, Lead Auditor and Michael Sherman of the Audit Team, were present to make the 2018 Audit Presentation to Council. Paul explained how the Audit was completed and reviewed. There was some Council discussion.

M/S COUNCILORS RIFFLE AND INFANTE THAT THE TOWN COUNCIL ACCEPT THE 2018 AUDIT WITH THE CHANGE TO G9. THE MOTION CARRIED 6-0

7. COUNCIL ACTIONS:

7A. First Reading of Ordinance No. 14, Series of 2019: An Ordinance of the Town Council of Basalt, Colorado Amending Chapter 7, Article VII related to the Town's Dog Leash Laws (Ryan Mahoney/Greg Knott/Jeff Conklin)

Town Manager Ryan Mahoney and Police Chief Greg Knott were present to discuss this item with Council. The Town has a leash law on the books, but it has not been strictly enforced. Direction from Council back in June, was to bring back an ordinance to amend our code to have the ability to designate certain areas within town where you could have your dog off a leash. This ordinance provides the authority; a second ordinance would need to be drafted to designate those off-leash areas.

Citizen comments were taken. Citizens speaking to this item were:

Ben Brennan Basalt resident not in favor of a change and if areas are designated, there should be more than 3 areas; Lisa George suggested studying what was happening in the valley with altercations at Crown Mountain Park and Carbondale; and off-leash dogs coming into a playground where there are little children; Shawn ?, Elk Run Resident, not in favor of change; would rather see problem animals addressed individually; John Mosier, Swinging Bridge Lane, hoped there would be some common sense when writing the new ordinance.

Council comments followed with Jennifer Riffle suggested there were potential other leash free areas that should be considered.

M/S COUNCILORS SCHENDLER AND SLACK THAT THE TOWN COUNCIL APPROVE ORDINANCE NO 14, SERIES OF 2019 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR AUGUST 13, 2019. THE MOTION CARRIED 6-0.

7B. First Reading of Ordinance No. 15, Series of 2019: An Ordinance of the Town Council of Basalt, Colorado Approving a Voluntary Refund of Over-collected Revenues from the Town's General Operating Mill Levy for Fiscal Years 2016 to 2019 (Ryan Mahoney/Christy Hamrick/Jeff Conklin)

Town Attorney Jeff Conklin spoke to this item noting that both Ordinance 15 and the subsequent Ordinance 16 deal with the how the Town handles the revenue received from the Town's operating mill levy in excess of the low point the mill levy was set. Three options in relation to the revenue had been previously discussed: Do nothing; Seek voter approval to retain the excess revenue received; or Pursue a voluntary refund of the revenues received. Council directed staff to prepare an ordinance to proceed with a voluntary refund.

A couple of amendments to the Ordinance: Recital L, will need an insertion of a reference to Ordinance No. 16, 2019. Also, a typo in paragraph 2 will be corrected prior to second reading.

Administration of the refunds would likely be handled by an outside firm.

Council comments followed. Bill Infante had no issue with putting the mill levy question to the voters, but had a very different feeling on the voluntary refund and felt that the Town should put that question to the voters as well.

Auden Schendler agreed with Bill Infante and felt there were 2 different forces trying to do the right thing. He felt the vote option was good and voters would understand the issue and the mill levy reaffirmation would pass and the second one would pass or not and we'd be in the same position we are today.

Jeff Conklin discussed this voluntary refund would be in the form of checks. An option that had been discussed was for citizens to gift that amount back to the town and investigate if those gift backs could be for certain purposes within the town.

Jennifer Riffle reiterated her stance that the short gain of not refunding is far more dangerous than not having a mill levy approved and she was not willing to risk one for another.

Jacque Whitsitt said there had been the same arguments for several weeks now and we cannot guarantee anything no matter what we do. She felt staff had done due diligence for Council and was putting her trust in staff and special council.

M/S COUNCILORS SCHWOERER AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO 15, SERIES OF 2019 ON FIRST READING, AND SET THE PUBLIC HEARING AND SECOND READING FOR AUGUST 13, 2019. THE MOTION CARRIED 4-2 WITH COUNCILORS INFANTE AND SCHENDLER OPPOSED.

Auden Schendler suggested there had been discussion in the community that there be a movement to commitment to not take the refund but create a fund administered by a foundation or citizens and have those funds dedicated to whatever people want it to be dedicate to. To take government money and put it in hands of respected third party for good community causes. Auden said this was not his idea, but these funds could be something that could grow into the future. Jennifer Riffle said an article she had described another municipality that had a similar situation and used the funds toward wildfire mitigation.

7C. First Reading of Ordinance No. 16, Series of 2019: An Ordinance of the Town Council of Basalt, Colorado, Authorizing the Financing of a Voluntary Refund of Over-collected Revenues from the Town's General Operating Mill Levy for Fiscal Years 2016 to 2019 and In Connection Therewith Authorizing the Sale and Subsequent Leasing of Certain Town Property and the Execution and Delivery by the Town of a Deed, a Lease Purchase Agreement, and Other Documents Related to the Financing (Ryan Mahoney/Christy Hamrick/Jeff Conklin)

Jeff Conklin noted that this was part 2 of the revenue issue and how do we fund the voluntary refund. The proposed method is through Lease Certificates of Purchase; a financing mechanism that doesn't require voter approval and can be done by a governing body of a local jurisdiction. This Ordinance approves Dee Wisor acting in the role as Bond Counsel and identifies the property to be used in the lease purchase

agreement. Initially the property identified is the Town Hall property but this may change with second reading.

M/S COUNCILORS SLACK AND RIFFLE THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 16, SERIES FO 2019 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR AUGUST 13, 2019. THE MOTION CARRIED 4-2 WITH COUNCILORS SCHENDLER AND INFANTE OPPOSED.

7D. Resolution No. 25, Series of 2019: A Resolution of the Town Council of Basalt, Colorado, Approving an Amended Intergovernmental Agreement with Pitkin County, Colorado Related to Collection of the Pitkin County Use Tax

Jeff Conklin noted that the Town recently approved a Resolution authorizing the Town to collect a Use Tax on behalf of Pitkin County and pay it to the County. The County has requested an amendment to the original Resolution that would allow for more flexibility in what that Use Tax amount should be.

Jeff noted a couple of minor changes – Recital D – to add at the end of the sentence the phrase *“with the correction of a typographical error in paragraph 2 which is corrected in the enclosed version of the Amended IGA”*.

M/S COUNCILORS RIFFLE AND SCHWOERER TO APPROVE RESOLUTION NO. 25, SERIES OF 2019, AS AMENDED BY TOWN ATTORNEY CONKLIN. THE MOTION CARRIED 6-0.

7E. Ratification of Grant Recommendations for First Round of BPAC Grant Program

Town Planner Watkins Fulk-Gray was present with Jeff Orsulak to discuss this item with Council. The Basalt Public Arts Committee has made its first recommendations for arts in Basalt. The applications were very varied. The grant program was set up by Resolution adopted by Council in April this year. BPAC would review the applications and make recommendations to Council; Council would have final decision.

M/S COUNCILORS SLACK AND INFANTE THAT THE TOWN COUNCIL RATIFY THE RECOMMENDATIONS FOR AWARDS OF PUBLIC ARTS GRANTS AS RECOMMENDED BY BPAC AND DIRECT TOWN STAFF TO ENTER INTO AND EXECUTE CONTRACTS WITH THE SELECTED GRANT RECIPIENTS. THE MOTION CARRIED 6-0.

8. EXECUTIVE SESSION:

M/S COUNCILORS SLACK AND SCHENDLER TO ENTER EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL MATTERS IN ACCORDANCE WITH C.R.S. 24-6-402(4)(F) MORE SPECIFICALLY, TOWN MANAGER RYAN MAHONEY ANNUAL REVIEW. THE MOTION CARRIED 6-0.

Council entered Executive Session at approximately 8:28 pm.

M/S COUNCILORS RIFFLE AND SCHENDLER TO ADJOURN THE EXECUTIVE SESSION AND RECONVENE THE COUNCIL MEETING AT 9:01 PM. THE MOTION CARRIED 6-0.

Council Direction

M/S COUNCILORS RIFFLE AND SLACK TO EXTEND RYAN MAHONEY’S CONTRACT TO AUGUST 13, 2019. THE MOTION CARRIED 6-0.

9. INFORMATION AND CORRESPONDENCE


- 9A. Accounts Payable
- 9B. Advanced Agendas
- 9C. Correspondence to the Town

10. MOTION TO ADJOURN

M/S COUNCILORS SLACK AND SCHENDLER TO ADJOURN THE COUNCIL MEETING AT 9:02 PM. THE MOTION CARRIED 6-0.

The minutes of this July 23, 2019 meeting were read and approved this 13th day of August, 2019.

BASALT TOWN COUNCIL:

By: 

Jacque Whitsitt, Mayor

ATTEST:



Pamela Schilling, Town Clerk



This meeting can be viewed in its entirety at:
<https://townofbasalt.ompnetwork.org/sessions/111254?embedInPoint=1&embedOutPoint=11243&shareMethod=link>