



**BASALT TOWN COUNCIL
MEETING MINUTES – MAY 9, 2023**

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.

5:00 Worksession: With Colorado Parks and Wildlife (CPW) re: Potential Changes to State Wildlife Areas (SWA) – Lake Christine and others

Council met with CPW staff members Darren Chacon Assistant Area Wildlife Manager and Peter Boyatt District Wildlife Manager for the Basalt area to discuss the recent CPW plan to extend the annual closure of the State Wildlife area. Town Manager Ryan Mahoney, Town Attorney Jeff Conklin, Planning Director Michelle Bonfils-Thiebault, Assistant Planning Director James Lindt, Police Chief Greg Knott and Public Works Director Boyd Bierbaum were also present at this Worksession which ended approximately 5:50 PM.

Council Break: A brief recess was called for Council.

1. CALL TO ORDER AND ROLL CALL

Mayor Bill Kane called the regular meeting of the Basalt Council to order at 6:10 PM.

2. CONSENT AGENDA AND MOTION:

2A. Minutes: April 25, 2023

M/S COUNCILORS DRUMMOND AND SLACK THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. THE MOTION CARRIED 6-0.

3. CALL TO THE PUBLIC

Ted Guy, 167 Swinging Bridge Lane. Ted said someone suggested it would be educational for the Town planning office to look at existing buildings and existing units based on the parking code to see how many parking spaces we actually need by code and how many we actually have as is now and will have later. Ted also made reference to a section of the code that would allow one to pay fees in lieu of parking up to a certain number of spaces if one were unable to provide the required parking spaces within a certain distance. Ted said he had been getting mixed information about the bid opening; it was clarified by Town Engineer Catherine Christoff

that originally bids were due May 12, but since then an addendum was issued and the bids due date was now June 1st.

Ted felt as a community, we could do better to communicate things that are going to go on; it would be useful to have a weekly blog. Town Manager Ryan Mahoney explained all that information was communicated in the Manager's Weekly Report.

One thing that concerned Ted was that parallel parking was more dangerous in that the driver opens the door into oncoming traffic. In diagonal parking, people back up and a vehicle could hit another vehicle rather than a driver being hit. Ted said he favored diagonal parking. Ted said the town needed more spaces, not to lose 22.

Ted said the outreach by the design team was poor. He said if thirty businesses had to do a petition to get the Town's attention, the outreach performed by the team wasn't very good.

Ted also noted that two meetings ago, his timer still showed 30 seconds left for his allotted time when the timer used by the town indicated his public communication time was up.

Mayor Kane asked for clarification about the petition; no petition has been submitted to the town. Ted said he would follow up on the petition.

4. MAYOR AND COUNCIL REPORTS/COMMENTS

Ryan Slack said there was to be a Watershed Summit this Thursday at the Third Street Center in Carbondale from 9 to 4.

Bill Kane said the Council had met with Colorado Parks and Wildlife in a Worksession earlier this evening to express concern for the closure of the ridge trail up behind Ridge Road, and the proposal to keep the area closed until July 15. Bill Kane thought they had had a constructive discussion with CPW at that Worksession. Council encouraged everyone who was interested in the commenting on the extended closure to go to www.engagecpw.org to submit their comments to CPW until May 24.

5. MANAGER'S REPORT

Town Manager Ryan Mahoney said the pool was scheduled to open over Memorial Day weekend. Public Works and Recreation Director Matt Koenigsknecht pulled the cover off the pool recently and were working to get the heating system going and the shade sails up for the opening. The recreation department is accepting applications for lifeguards, and Matt Bates, our pool manager of last year was returning this year. They plan on a few lifeguards returning from last year. Things look to be okay at this point.

A new shed has been installed behind the old backstop at Arbaney Park. Staff did a lot of work to make it blend into the background. It will be used to store the gear for the summer camps at Arbaney Park; it will clear the camp gear out of the Arbaney Barn as requested by the Basalt Regional Heritage Society.

6. PRESENTATIONS:

6A. First Quarter 2023 Financial Update (Doug Pattison)

Finance Director Doug Pattison presented the First Quarter 2023 Financials. Doug noted the staff had also been working with the auditors this week.

7. COUNCIL ACTIONS:

7A. Public Hearing and Second Reading Ordinance No. 05, Series of 2023: Ordinance of the Town Council of the Town of Basalt, Colorado, Granting River Setback Waivers at 40 River Cove (James Lindt)

Assistant Planning Director James Lindt introduced this item to Council noting they had previously reviewed this application at their April 11 meeting. Applicant representative Kevin Michaelson was present along with applicants Michael and Kimberly Taets.

The request is for a waiver from the 50 foot river setback to allow for a porch roof over an existing deck (installed in 1992 prior to the 50 foot setback regulation) and a new second floor deck to be constructed.

James reviewed the discussion items with council and noted that P&Z had recommended approval with the conditions included in the draft ordinance in the packet.

Mayor Bill Kane opened the public hearing at 6:35 PM. There were no public comments and the hearing was closed.

M/S COUNCILORS HOTTEL AND KNIGHT THAT THE TOWN COUCIL ADOPT ORDINANCE NO. 05, SERIES OF 2023 ON SECOND READING. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 6-0.

7B. Public Hearing and Second Ordinance No. 07, Series of 2023: Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Easement Agreement with Twin Rivers Condominium Association, Inc for Location of Soil Nails (Catherine Christoff, Jeff Conklin)

Town Attorney Jeff Conklin explained this ordinance would approve an easement agreement related to the construction of a retaining wall along Midland Spur. The soil nails are needed to secure the retaining wall into the hillside. The nails go in a number of feet into property owned by Twin Rivers Condominium Association. This easement agreement would grant the Town an easement for the location of the retaining wall and the soil nails into the property.

Since first reading, a couple of comments were received from the condo association on the form of the easement agreement which Jeff has reviewed and felt were appropriate. The form of the ordinance allows the Town Attorney to make some changes; this change would be within the scope of that allowance. Jeff has been in touch with the condo association and there were a couple of minor changes.

Mayor Bill Kane opened the public hearing at 6:39 PM. There were no comments and the hearing was closed.

M/S COUNCILORS SLACK AND DRUMMOND THAT THE TOWN COUNCIL ADOPT ORDINANCE NO. 07, SERIES OF 2023 ON SECOND READING. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 6-0.

M/S COUNCILORS DRUMMOND AND SLACK THAT THE COUNCIL CONVENE AS THE LOCAL LIQUOR AUTHORITY. THE MOTION CARRIED 6-0.

7C. Public Hearing for a Temporary Modification of Premises: Bri's Booze, LLC dba Jimbo's (Pam Schilling)

Applicant Gonzalo Mirich was present in person, with his Attorney Matthew Taylor joining remotely, to discuss this item with Council.

Town Clerk Pam Schilling noted this application for a Modification of Premises was being sought in order to allow Jimbo's (Bri's Booze, LLC dba Jimbo's Liquors) to retain its liquor license during construction of the Basalt Center Circle project, and to keep the Jimbo's employees employed during this time period. The plan allows for Jimbo's to sell liquor out of a 'shipping container' style modular in the parking lot adjacent to the building that will be building that will be removed and re-built. The considerations for a modified premises as set by State regulations, were reviewed and the investigating agency comments were noted in the memo. The modular cannot be mobile, i.e., it cannot be on wheels. The Town has agreed to place Jersey barriers to direct traffic away from the structure. No permit will be issued until the investigating agencies were comfortable with the structure, placement and working plan to fully ensure citizen and employee safety. Clerk Schilling noted the conditions of approval in the memo.

Gonzalo submitted petitions containing 57 signatures indicating the desires of the adult inhabitants of the neighborhood to approve the temporary modification application.

Council questions and discussion followed.

Mayor Bill Kane opened the public hearing at 6:48 PM. There were no comments and the hearing was closed.

M/S COUNCILORS DRUMMOND AND SLACK THAT THE TOWN COUNCIL APPROVE THE TEMPORARY MODIFICATION OF PREMISES AS NOTED IN THE STAFF MEMO DATED MAY 9, 2023. THE MOTION CARRIED 6-0.

M/S COUNCILORS SLACK AND KNIGHT THAT COUNCIL ADJOURN AS THE LOCAL LIQUOR AUTHORITY AND RECONVENE THE BASALT TOWN COUNCIL. THE MOTION CARRIED 6-0.

7D. Resolution No. 19, Series of 2023: Resolution of the Town Council of the Basalt, Colorado, Approving a Contract with McKinstry Essention Inc., for the Construction of the Basalt Solar Project (Catherine Christoff)

Town Engineer Catherine Christoff explained the Resolution before Council this evening that would approve a contract with McKinstry for the construction of the Basalt Solar Project. In November 2021, Basalt citizens voted to approve funding for green projects (among other items) in the Basalt Forward 2030 project. Five solar sites in and around Basalt have been chosen for the installation of solar arrays. The sites are Basalt High School – a ground mount site, the high school concession stand, Basalt Elementary School, RE-1 School District bus barn and the Town's new public works facility at Willits will all receive roof mounted arrays. These units will offset 201 metric tons of greenhouse gas emissions, or approximately 54 homes based on average consumption. McKinstry will procure the materials, but SunSense Solar of Carbondale would do the actual installations. The overall cost would be \$1,795,457. Catherine broke out the grant funds and investment tax credit funds available to the Town of over \$600,000 after the units were installed. The most the Town will need to cover is \$594,090. Catherine reviewed the phasing of the project with the ultimate goal to have all the projects fully complete by the end of 2023.

Delynne Southern of the State of Colorado Energy Office attended the meeting remotely. Delynne supports small communities around the State in their energy efforts. Martin Beggs and Ashley Brasovan of McKinstry were also present via Zoom to answer any questions.

Council discussion and questions followed.

M/S COUNCILORS SLACK AND DRUMMOND THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 19, SERIES OF 2023. THE MOTION CARRIED 6-0.

7E. First Reading of Ordinance No. 08, Series of 2023: Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Holy Cross Energy's Installation of Underground Electrical Lines and Equipment on Open Space Tract 5 and the Public Parking Tract of Willits Town Center PUD, Basalt, Colorado (James Lindt)

Assistant Planning Director James Lindt explained the request by Holy Cross Energy to install the underground infrastructure in the town-owned open space parcel Tract 5, and to install under the public parking tract at the Element Hotel. James explained the franchise agreement as it relates to utility installations in town. James outlined the location of the trenches and bores for the installation of the utility. The purpose of the installation was to provide more resiliency for their service to the Tree Farm area as well as the surrounding area. The draft Ordinance provides for the installation and requires the installation of the shadow conduit for the Town as per the shadow conduit ordinance (requiring the installation of conduit at the same time for the Town's future use). There are also requirements for revegetation of any disturbed areas and to indemnify the town against their use of the Town properties.

Caleb Ealey was present from Holy Cross to answer Council questions.

There was no requirement for a public hearing this evening.

M/S COUNCILORS SLACK AND DRUMMOND THAT THE TOWN COUNCIL APPROVE ORDINANCE NO. 08, SERIES OF 2023 ON FIRST READING AND SET THE PUBLIC HEARING AND SECOND READING FOR MAY 23, 2023. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 6-0.

7F. Resolution No. 20, Series of 2023: A Resolution of the Town Council of Basalt, Colorado, Approving a Revocable License Agreement for Encroachment of a Seasonal Awning in the Market Street and Grange Street Rights-of-Way Above the Capitol Creek Brewery Outdoor Restaurant Seating, Basalt, Colorado (James Lindt)

Assistant Planning Director James Lindt explained this resolution would approve of a license agreement to permit Capitol Creek Brewery at 371 Market Street to install awning structures over their outdoor seating in the Town's right-of-way. James offered some background regarding the outdoor seating at the restaurants along Market Street. The dining experience is anticipated to be improved by these structures. James reviewed the provisions of the license agreement related to indemnification, responsibility for setting up and removing the awnings seasonally, etc. These structures won't impact town services. The Town's referral agencies have been consulted and they raised no issues related to these awning structures, and believe they will be of community benefit.

Applicant Don Bryant attended the meeting remotely. Don explained the installation of these structures allows Capitol Creek Brewery to meet the standard of Willits Town Center and make for a more comfortable dining experience. There will be no logos on the awnings; they are designed to blend into the surrounding area.

M/S COUNCILORS DUMMOND AND KNIGHT THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 20, SERIES OF 2023. THE MOTION CARRIED 6-0.

7G. Resolution No. 21, Series of 2023: Resolution of the Town Council of Basalt, Colorado, Amending Its Procurement Policy (Ryan Mahoney, Jeff Conklin)

Town Attorney Jeff Conklin explained that the Town's procurement policy was adopted in 2018 and outlines how the Town buys goods and services for the Town.

There are three changes being proposed to the Procurement Policy:

- To allow staff to utilize the online platform BidNet to seek proposals and bids; currently the Town is limited to website, newspaper and town hall distribution;
- To allow the Town Manager discretion to award contracts up to \$75,000; the current policy allows up to \$50,000;
- To amend the change order provision that currently requires town council approval for any contract changes costing more than \$50,000. This final amendment would amend the change order provision to allow staff authority to execute written change orders, provided the aggregate sum of all change orders for a given contract shall not exceed \$50,000 or 10% of the original contract price – whichever is more.

Council discussion followed with a change to the procurement policy to add a cap on the change order provision.

M/S COUNCILORS SLACK AND KNIGHT TO ADOPT RESOLUTION NO. 21, SERIES OF 2023 WITH AN AMENDMENT TO SECTION 5.1 TO SAY THAT THE SUM OF ALL CHANGE ORDERS FOR A CONTRACT SHALL NOT EXCEED TEN PERCENT (10%) OF THE

ORIGINAL CONTRACT PRICE OR \$250,000 WHICHEVER IS LESS. THE MOTION CARRIED 6-0.

8. INFORMATION AND CORRESPONDENCE:

- 8A.** Accounts Payable
- 8B.** Advanced Agendas
- 8C.** Correspondence to the Town

9. ADJOURNMENT

The meeting adjourned at 7:35 PM.

The minutes of the May 09, 2023 meeting were read and approved this 23rd day of May, 2023.

BASALT TOWN COUNCIL:

By: *William G. Kane*
William G. Kane, Mayor



ATTEST:

Pamela Schilling
Pamela Schilling, Town Clerk

This meeting can be viewed in its entirety on the Town of Basalt YouTube channel, or at www.GrassrootsTV.org, or by using this link: <https://townofbasalt.ompnetwork.org/sessions/269750?embedInPoint=1&embedOutPoint=9656&shareMethod=link>