



**BASALT TOWN COUNCIL
MEETING MINUTES – MAY 10, 2022**

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.

4:30 PM – WORKSESSION: P&Z and Council Worksession for Midland Streetscape
Three Alternatives (Catherine Christoff and James Lindt)

The worksession began at 4:33 PM. Present for the worksession were Mayor Bill Kane, Council members Dieter Schindler, Angela Anderson, Elyse Hottel, Glenn Drummond and David Knight. Ryan Slack joined after the start of the worksession. Also present were Town Manager Ryan Mahoney, Town Attorney Jeff Conklin, Planning Director Michelle Thiebault, Assistant Planning Director James Lindt, Town Engineer Catherine Christoff. Also present were Planning & Zoning Commission members Eric Vozick and Bill Maron.

Also present for the worksession was Heather Henry, Connect One Design, Elyse Wolff, connect One Design, Phil Vaughan Construction Management, Art Malito of Cushing Terrell, and Stephanie Helfenbein of Sopris Engineering.

The project timeline, historic imagery, design goals, site analysis, themes, and a summary of owner/tenant interviews were shared. Three showcase designs of the Midland Avenue streetscape were presented, identified as Rooms, Linear, and Woonerf. Each streetscape offered unique aspects related to sidewalk widths, outdoor dining options, street furnishings, materials, traffic circulation, parking, bike infrastructure, art, and traffic calming. Issues on the street, sacred spaces and opportunity sites were identified, and the downtown street trees were surveyed and marked as fair, good or excellent. Council and P&Z were asked to identify their desired elements from each design, taken from a buffet of options.

Council took a short break at approximately 5:50 PM.

1. CALL TO ORDER AND ROLL CALL

Mayor Bill Kane called the regular meeting to order at 6:10 PM. Present were Council members Ryan Slack, Angela Anderson, Glenn Drummond, David Knight, Dieter Schindler and Elyse Hottel.

2. CONSENT AGENDA AND MOTION: **2A. Minutes:** April 26, 2022; **2B. Special Event Activity Permit:** Ride the Rockies; **2C. Special Event Activity Permit:** Basalt Half Marathon

M/S COUNCILORS SLACK AND DRUMMOND THAT THE TOWN COUNCIL APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. THE MOTION CARRIED 7-0.

3. CALL TO THE PUBLIC

There were no public comments presented this evening.

4. MAYOR AND COUNCIL REPORTS/COMMENTS

Elyse Hottel thanked Dieter Schindler for taking on the finance committee of CORE and David Knight for joining the CC4CA (Colorado Communities for Climate Action).

Ryan Slack offered a big kudos to Public Works for clearing all the downed trees and limbs so quickly due to all the high winds we've been having; they've been doing an awesome job. Mayor Kane supported that as well.

Bill Kane said the Town would be hosting Ride the Rockies for a night on June 13. They will be coming up from Glenwood Springs over Missouri Heights through Willits then over to the high school.

5. MANAGER'S REPORT AND

5A. 2021 Accomplishments: Town Manager Ryan Mahoney noted the 2021 Accomplishments had been compiled and thanked staff for their work on completing various items listed in the Town Council's Work Plan.

The pool overflowed this past weekend, twice. A sensor that keeps the pool level constant had failed on Friday, and again on Sunday. It is fixed temporarily, but the contractor will need to come back for a permanent repair.

6. PRESENTATIONS

6A. Basalt Forward 2030 Financial Update (Ryan Mahoney/ Christy Chicoine)

Ryan Mahoney gave some background on where we are and how we got here given direction by Council to undertake the 2020 Master Plan, implementing the facilities needs study, and listening to the citizen committee members who were asked about capital needs and who set the public priorities. The three priorities that emerged from the citizen committee were the green projects, affordable housing, and the Midland Avenue streetscape. The question was taken to the voters to determine if the Town could retain its same mill levy, and the issue passed. The bond proceeds, grant monies and general fund contributions will pay for this project. RFPs were issued in January for the design team which is now in place; tonight we heard from them on some concepts of what that project might look like. The \$11.5 million project was separated into hard and soft costs. There is a shortfall of about \$834,000 at this point; design team engineers, landscape architects and the owner's rep and staff will be discussing opportunities to make that up. The CMGC (Construction Manager General Contractor) and general contractor will be watching the overall project costs and reporting at the 30, 60 and 90% design phases.

Finance Director Christy Chicoine added that we were looking at cost increases over the last year in construction, and keeping a 30% contingency on our construction costs to be

conservative, and an 8% contingency on our soft costs. Christy explained that she, Phil Vaughan (CMGC) and Town Engineer Catherine Christoff do a full reconciliation each month, and quarterly report that out to Council. The Town’s Finance Advisory Board recently reviewed this process and made some tweaks and suggestions to get to this final reporting format.

Christy then presented the revenue sources for each of the three projects, expenses to date and the remaining budget funds. At the bottom of the report, the remaining construction contingency and soft costs for Midland Avenue are shown also; important to know as things fluctuate between ideas and concepts.

7. COUNCIL ACTIONS

M/S COUNCILORS SLACK AND KNIGHT TO CONVENE AS THE LOCAL LIQUOR AUTHORITY. THE MOTION CARRIED 7-0.

7A. Public Hearing and Review of an Application for a New Hotel & Restaurant Liquor License for Jaffa Kitchen, LLC (Pam Schilling)

Town Clerk Pam Schilling invited Alexi Rotaru, one of the applicants, to the front table for the hearing. Clerk Schilling reviewed the application request, the postings and notices made for this hearing, the agency comments and conditions being sought for approval. The findings that could be made by the Authority based on staff investigation were also noted.

The applicant explained they offered sandwiches and salads, deli case items, pastries, etc., and were seeking a liquor license based on customer requests. The restaurant serves middle eastern foods based on family recipes from Israel.

Mayor Kane opened the public hearing at 6:47 PM. There were no comments and the hearing was closed.

M/S COUNCILORS SLACK AND KNIGHT TO APPROVE THE ISSUANCE OF A NEW HOTEL AND RESTAURANT LIQUOR LICENSE FOR JAFFA KITCHEN, LLC, DBA JAFFA KITCHEN LOCATED AT 400 EAST VALLEY ROAD, UNIT G.

7B. Brick Pony LLC Modification of Premises, and Resolution No. 34, Series of 2022: A Resolution of the Town Council of Basalt, Colorado, Approving a Temporary License Agreement for Encroachment in Midland Avenue for Expanded Restaurant Seating for PGL, LLC dba The Brick Pony Pub (Ryan Mahoney/Jeff Conklin/Pam Schilling)

Note: The two items were to be approved separately, though they are contingent upon one another.

Town Clerk Schilling gave some background on the previous years’ modification of premises utilized by 12 restaurants in town to alleviate some of the stress resulting from COVID lockdowns, etc. Brick Pony Pub owner Greg Jurgensen was present this evening to request the Council authorize a Revocable License Agreement and grant permission to close four parking spaces in front of his restaurant for additional outdoor seating.

Town Attorney Jeff Conklin noted that during COVID, the Town granted the Town Manager the authority to enter into these agreements to utilize town streets and rights of way for expanded

restaurant seating. This was only granted during our emergency declaration. There are two actions tonight, one is to modify the licensed premises within the liquor license, the other is to grant a license to use the town's right of way on which to expand that premises. Council would approve the modification of premises as the Local Liquor Authority, and then sitting as the Town Council, would review and approve a Resolution for use of the right of way.

Town Manager Ryan Mahoney noted that this year was one thing, but next year the space will probably be taken up with construction equipment and materials, so this arrangement may not be able to be accommodated year after year in the parking spaces, and hopefully with the construction of Midland, we will be able to provide some additional opportunities for outdoor dining. The other issue is that for the past two years, the Town had placed the barriers using our crew; in this case, we have required the barriers to be placed at the cost of the owner. The applicant was also asked to request his employees not take up parking spaces just adjacent to the closed parking spaces and encourage them to park at the elementary school. Council should also make a finding that because the applicant doesn't have an opportunity for seating in front of his restaurant like others do. The applicant would have to remove the picnic tables currently on the sidewalk to maintain that as a clear space during the time the parking spaces are in use for seating.

Council discussed the comments made by the investigating agencies concerning space for emergency vehicle outriggers, number of seats outside, the unused roof-top space in the back that is currently only used for storage and private parties. Staffing is a problem with the rooftop space; they simply don't have enough staff to cover both the front and the back dining spaces. A concern was raised that the Council could get requests from the other 11 restaurants that had outdoor right of way space during COVID. With the re-design of the downtown area, it is anticipated that they will create some additional areas for outdoor seating for future use. Fees for loss of the parking spaces was not contemplated.

M/S COUNCILORS KNIGHT AND SLACK THAT THE LOCAL LIQUOR AUTHORITY APPROVE THE MODIFICATION OF PREMISES FOR THE PGL, LLC, dba THE BRICK PONY PUB AT 202 MIDLAND AVENUE, BASALT. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 7-0.

M/S COUNCILORS KNIGHT AND SLACK TO ADJOURN THE LOCAL LIQUOR AUTHORITY AND RECONVENE THE TOWN COUNCIL. THE MOTION CARRIED 7-0.

M/S COUNCILORS SLACK AND ANDERSON TO ADOPT RESOLUTION NO. 34, SERIES OF 2022. THE MOTION CARRIED 7-0.

7C. Public Hearing and Second Reading of Ordinance No. 11, Series of 2022: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving a Contract to Buy and Sell Real Estate with MSP 1, LLC for Four (4) Deed Restricted Lots in the Stott's Mill Subdivision/PUD (James Lindt)

Assistant Planning Director James Lindt explained the Council approved the Ordinance on first reading. Each lot has a price cap on it of just over \$200,000 each. We are proposing to use some of the Basalt Forward 2030 funds to purchase the lots. Each lot is for a single family dwelling; or they could be combined for a duplex. The Council directed staff to bring forth a contract. The contract has a closing date near the end of June.

Mayor Kane opened the public hearing at 7:08 PM. There were no comments and the hearing was closed.

M/S DRUMMOND AND KNIGHT THAT THE TOWN COUNCIL ADOPT ORDINANCE NO. 11, SERIES OF 2022 ON SECOND READING. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 7-0.

7D. Public Hearing and Second Reading of Ordinance No. 06, Series of 2022: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving a Recreational Use Easement Agreement with Basalt Vista Affordable Housing Partnership (Ryan Mahoney/Jeff Conklin)

Habitat for Humanity of the Roaring Fork Valley President, Gail Schwartz, was present for the presentation, as was Bill Crowley of the Basalt Vista HOA.

Town Manager Ryan Mahoney explained that Gail Schwartz had approached the Town as Habitat looked at overall costs of the HOA and liability of maintaining the hillside above their subdivision for recreation purposes. Colorado's recreational use easement statute affords the owner of the property the same liability limits the town would have as for a town park, by way of example. This area behind the subdivision has been historically used for sledding. The delay since first reading has been locating an insurance carrier that would understand how a governmental immunity would extend to a private owner. Bill Crowley, the HOA manager, found an insurer that would continue the public use for this recreation easement.

Jeff Conklin pointed out the red-line version of the agreement in the packet reflecting the changes since first reading. Jeff had one additional change to the documents in the packet – a clarifying statement to insure that a public recreation use by the public isn't perceived to be outside the scope of the easement. That would be simply in the grant of the easement, to clarify that it's for public recreational purposes including hiking, sledding, tubing, etc. Habitat said their the new insurance carrier indicate that would not be a problem for the coverage, and would work better for them.

Gail Schwartz explained the parcel for the homes donated by the School District included more land than they needed. Half the parcel contains all the homes, but above it, going up to the Light Hill Trail, was also a part of that land. No one wanted to take on the parcel, so this easement agreement offers an opportunity that, should there be an unfortunate accident on that property, the homeowners – low and moderate income homeowners – would not be liable, but it would keep the land open for the public.

General questions were raised by Council and answered by staff.

Mayor Kane opened the public hearing at 7:23 PM.

Jeff Conklin thanked Bill Crowley for being so great to work with during this process. Gail Schwartz echoed that thanks.

Bill Crowley offered his thanks to everyone who had worked on this noting it had been a team effort getting to the finish line. He hoped it would be beneficial for all parties. There were no further comments and the hearing was closed.

M/S COUNCILORS KNIGHT AND SLACK THAT THE TOWN COUNCIL TO ADOPT ORDINANCE NO. 6, SERIES OF 2022 ON SECOND READING, WITH THE CHANGES SET FORTH IN THE PACKET EXCEPT THOSE STRIKE THROUGH CHANGES IN PARAGRAPH 2. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 7-0.

7E. Public Hearing and Second Reading Ordinance No. 12, Series of 2022: An Ordinance of the Town Council of the Town of Basalt, Colorado for a Supplemental Appropriation for Additional Carryover of Funds from 2021 Budget to 2022 Budget for Various Projects and Additional Tobacco Tax Expenditures (Christy Chicoine)

Finance Director Christy Chicoine noted this Ordinance had been reviewed in detail at first reading. Christy had a couple of changes to the budget based on carryovers from the prior year, and reconciliations she added to this as well as the additions to the Tobacco Tax funding approved by the Council at the last meeting.

Mayor Kane opened the public hearing at 7:29 PM. There were no public comments and the hearing was closed.

M/S COUNCILORS SCHINDLER AND DRUMMOND THA THE TOWN COUNCIL ADOPT ORDINANCE NO. 12, SERIES OF 2022 ON SECOND READING. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 7-0.

7F. Resolution No. 35, Series of 2022: Resolution of the Town Council of Basalt, Colorado, Electing to Receive Fiscal Recovery Funds as a Revenue Loss Eligible Use Category (Ryan Mahoney/Christy Chicoine)

Finance Director Christy Chicoine said these funds were considered a 'standard deduction' by the Federal Government for revenue loss. Communities were able to apply for up to \$10 million, though the Town 's cap was \$1 million. What they want to show is that there is Council approval to do so. It is attractive to the Town because there is very little reporting required under this option. We would still utilize the funds for the Midland Avenue streetscape for 2023 and 2024, but the contractors wouldn't be held to the usual Federal reporting requirements.

There was no known downside to the acceptance of these funds.

Jeff Conklin said this was coming from the Treasury Department, they were asking local governments to take money as a revenue loss. During the rule-making process, from the interim rule to the final rule, they determined and created this way to accept the funds as a standard allowance. The local government does not have to demonstrate a revenue loss in order to treat it as a revenue loss up to \$10 million dollars. This is a way for the Federal government to reduce its administrative burden in doling out the ARPA funds. Instructions for applying for the funds came out on April 27 with a submittal deadline of April 30; Jeff and Christy worked hard to get that application submitted on time.

M/S COUNCILORS SLACK AND HOTTEL THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 35, SERIES OF 2022. THE MOTION CARRIED 7-0.

7G. Resolution No. 36, Series of 2022: Resolution of the Town Council of Basalt, Colorado, Approving the Third Amendment to Employment Agreement with Town Manager Regarding Housing Benefit (Jeff Conklin)

Mayor Bill Kane took the lead on this discussion. Bill noted that that full transparency, we had been working hard to find suitable housing for our town manager in Basalt for several years. After 4 or 5 attempts, they found a unit that works. The existing agreement allows for a housing benefit of \$2,000 per month for occupancy of a town owned unit which the town manager has taken advantage of. In order to make this ownership opportunity a reality, it is time to re-evaluate the housing allowance especially given that over the past 24 months, there has been an approximate increase of 77% in the median cost of a housing unit in the town of Basalt. With that, and with the benefits to having our town manager reside in the town of Basalt with his family, this resolution would increase the housing benefit from \$2000 to \$3000 per month.

M/S COUNCILORS SLACK AND DRUMMOND THAT THE TOWN COUNCIL ADOPT RESOLUTION 36, 2022. THE MOTION CARRIED 7-0.

8. INFORMATION AND CORRESPONDENCE: 8A. Accounts Payable; 8B. Advanced Agendas; 8C. Correspondence to the Town

9. ADJOURNMENT

The meeting adjourned at 7:37 PM.

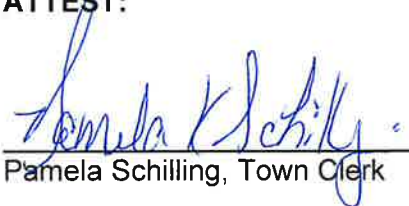
The minutes of the May 10, 2022 meeting were read and approved this 24th day of May, 2022.

BASALT TOWN COUNCIL:

ATTEST:

By: 
William G. Kane, Mayor




Pamela Schilling, Town Clerk

This meeting can be viewed in its entirety on Grassroots TV here:
<https://townofbasalt.ompnetwork.org/sessions/246003?embedInPoint=1&embedOutPoint=9927&shareMethod=link>