



**BASALT TOWN COUNCIL
MEETING MINUTES – AUGUST 9, 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.

6:00 PM 1. CALL TO ORDER AND ROLL CALL

The regular meeting of the Basalt Town Council was called to order by Mayor Bill Kane at 6:07 PM on Tuesday, August 9, 2022. Also present were Council members Dieter Schindler, Glenn Drummond, Angela Anderson, David Knight, Elyse Hottel and Ryan Slack.

6:02 2. CONSENT AGENDA AND MOTION:

2A. Minutes: July 26, 2022;

2B. Resolution No. 45, Series of 2022: Resolution of the Town Council of Basalt, Colorado, Authorizing Staff to Enter Into a Contract with Rocky Mountain Custom Landscapes for the Basalt Linear Park Irrigation System Project (Catherine Christoff);

2C. Resolution No. 46, Series of 2022: Resolution of the Town Council of Basalt, Colorado, Approving a One-Time Cost of Living Stipend for Certain Employees (Ryan Mahoney);

2D. Resolution No. 47, Series of 2022: Resolution of the Town Council of Basalt, Colorado, Authorizing Staff to Enter into a Contract with Burlingame Construction for Construction of the Basalt River Park Bandshell Project. (Catherine Christoff);

2E. Resolution No. 48, Series of 2022: A Resolution of the Town Council of Basalt, Colorado, Authorizing Staff to Enter into a Contract with LLC, dba ID Sculpture for Construction of the Basalt River Park Climbing Structure Project. (Catherine Christoff);

2F. Continue to August 23, 2022: Continued Public Hearing and First Reading Ordinance No. 14, Series of 2022: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Rezoning to the Community Serving Commercial (CSC) Zone District, CSC Final Plan Application Review, and Associated Development review Actions to Construct a Grocery Store and Sixty-Seven (67) Residential Apartment Units, and Associated Improvements on Lots A and E, of the Basalt Center Subdivision (James Lindt);

2G. Continue to August 23, 2022: Continued Public Hearing and First Reading Ordinance No. 15, Series of 2022: An Ordinance of the Town Council of the Town of Basalt, Colorado Approving Code Amendments to the Municipal Code, Amending Town Code Section 16-30, Community Serving Commercial (CSC) Zone District (James Lindt)

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

3. CALL TO THE PUBLIC

Chris McLaughlin, owner of Aspen Repair on Midland Avenue, expressed concern about the future of the center lane, which is used for deliveries downtown, in the Midland Avenue Streetscape program. Mr. McLaughlin said his concern for the center lane stemmed from the potential tree planters in the middle of the street, and widening of the sidewalks which would limit parking.

Council invited Mr. McLaughlin to stay for the presentation of the downtown project coming up on the agenda.

4. MAYOR AND COUNCIL REPORTS/COMMENTS

Elyse Hottel updated Council on the Roaring Fork Housing Coalition:

- They are changing their name to West Mountain Regional Housing Coalition to better reflect/include a larger geographic area of participants.
- They did receive the IHOP (Innovative Housing Strategies; Planning Program) Grant. This is the grant that will help the group put together a strategic plan, figure out funding and staffing and do some policy analysis across all participating communities.
- The group had a presentation from their consultant last Thursday on the 'road map'. They have a development tool kit to look at best practices in the valley and around the state. They will go through and identify the best initiatives for ARPA funds that may come through in the fall.

Dieter Schindler congratulated the four organizations that received BPAC grant monies (identified in item 8C of this agenda packet).

Bill Kane offered kudos to the Basalt Police Department on a successful National Night Out. Bill appreciated the PD getting out with the public for community interaction.

5. MANAGER'S REPORT

Town Manager Ryan Mahoney said the Town had gotten bids for completing the landscaping at the east entrance sign; that landscaping will start in the near future. There is no irrigation there, so it will be a xeriscape planting. One part of the contract was that the company will do some hand watering for two years to get the plants established.

The Community Garden at the high school has a new shade structure which was installed by the high school wood-shop class.

Ryan announced that as Council and staff were aware, Christy Chicoine was moving on from Basalt and going to Carbondale to serve as their finance director. The job has been posted and he said we wish Christy well on her next professional adventure.

Ryan Mahoney reported that the Town did get a proposal back from Basalt Connect and he informed RFTA that Basalt would be seeking similar grant funds as last year. Ryan completed and submitted a grant application to RFTA last week. Bill Kane said he would be at the RFTA

meeting next Thursday and would push for the grant funds; The Basalt Connect vans are popular.

6. PRESENTATIONS:

6A. Second Quarter Financials (Christy Chicoine)

Finance Director Christy Chicoine relayed information to Council on the second quarter financials. Property tax revenue was a little higher than anticipated, and sales tax slightly lower than usual. Christy discussed the Budget to Actuals in revenues and expenditures this year; revenues were at 62% of anticipated at only halfway through the year; licenses and permits were coming in higher than anticipated. Expenditures were at roughly 49% for the half-way point, though we will likely see more of those come online shortly.

Christy reviewed the Restricted and Unrestricted funds. Christy was starting to see a slow-down in the RETA property tax transfer revenues; lodging tax was strong at 70% of anticipated revenues for this time of year and tobacco taxes were still favorable. Green Team and BPAC still have some restricted funds to spend.

Christy said the capital construction was being tracked in detailed budgets with the Planning department. In the Water Fund, the tap fees and surcharges are over anticipated collections; there have been no large changes there.

6B. Midland Avenue Streetscape Project Update (Michelle Thibeault and Catherine Christoff)

(Note: The full presentation of the Midland Avenue Streetscape can be viewed here: <https://townofbasalt.ompnetwork.org/sessions/251776?embedInPoint=1&embedOutPoint=10836&shareMethod=link> - click on agenda item 6B)

Planning Director Michelle Thibeault, participating via Zoom, and Town Engineer Catherine Christoff, in person, were present with Heather Henry and Elise Wolf of Connect One Design, Stutzman Gerbaz representatives Shay Stutsman, project engineer Jenah Fuechsel and Owner's Rep Dave Detwiler in person; Michael White and Kim Vongries of Cushing Terrell, and Stephanie Helfenbein of Sopris Engineering were present via Zoom. All were present for a status update on the Midland Avenue Streetscape Project.

A PowerPoint presentation included in the packet was followed as Heather Henry and Catherine Christoff described the project location from the barber shop at Sopris Drive, to the intersection of Two Rivers Road and Midland Avenue as well as the Midland Spur as it goes to Merino Park.

Michelle Thibeault said the project was based on two pillars of economic development and infrastructure resiliency. Michelle introduced a fact that sales tax revenue in restaurants alone was up 22% between 2019 to 2020 (December to May). This was due to the expansion of use in the pedestrian zone and outside space. This is proof that the project will promote further economic development in the historic district. Michelle reminded us that the community voted overwhelmingly in favor of this project last fall. From a planning perspective, this project speaks to multiple goals of the 2020 Master Plan. Staff conducted outreach for design and was now moving into outreach with the local businesses for economic development during construction. Businesses were helping generate ideas on how we keep them alive during construction, and

how we capitalize on the opening of the Basalt River Park next year. During the outreach so far, staff had mostly heard concerns from businesses about construction; they've heard very little feedback on the design of the project. Staff plans to come back to Council later with a marketing plan on how we will support those businesses.

Catherine Christoff said the goals of the project were to upsize the water line and ensure flows for sprinkler and emergency needs; the existing water lines are reaching their maturity. Staff also wants to be aware of upgrading technologies – fiber, electric for EV chargers, etc., and to update the stormwater infrastructure to better convey water during rain events and to help mitigate icing along the streetscape. Staff said they were working with Basalt Sanitation District regarding the sanitation main that runs down Midland. That main was lined in 2011 and it is anticipated to have another 40 to 50 years of life. The other major infrastructure is to create access for all as the street is substandard in terms of ADA access.

Heather Henry said they were at a key juncture in this project. She spoke to the fair amount of initial outreach they had done on the alternatives and come to a preferred alternative being presented tonight. This is a launching point for the full project design. Tonight, staff was seeking the full blessing and go-ahead with the skeleton and framework of the concept to launch into project design. Design work would continue through the end of 2022, construction to being 2023, and wrap up planned for summer/fall of 2024.

Staff detailed the site analysis, community outreach comments and concerns related to parking, business support during construction, maintenance of those infrastructures that get installed. They heard “keep what is working, fix what wasn't working, but keep it simple”. Planning Director Michelle Thibeault said they were looking for direction to move forward with the general scope of the project tonight; staff would bring back design elements and costs later. In order to keep the project on schedule, they need to move forward with the design of the deep utilities and hear any comments or concerns they need to investigate as they go forward.

A detailed overview of the project plan was presented by Heather Henry and Catherine Christoff. There is a phased approach to thinking about construction expectations. The parking plan for the core reveals no net loss of parking spaces. The traffic travel lanes, parallel parking rather than the current head in parking, turn-around space at the upper end of Midland were discussed. A need to double down on the elementary school parking arrangements, would be needed – additional public education, signage, way-finding – could make that additional parking successful. The center flex lane and how it could be utilized – permanent loading zones, or allocation of specific times for parking, etc., was presented. The center lane planters and how they would work with trailers and winter snow management were discussed. Plans for storm drainage and how it would be conveyed to the interior of the street was presented and how the design might better manage a freeze-thaw cycle. Benefits of the landscape islands and inlets were covered. Discussion was also held regarding the circulation plan during road milling, turn radius, and the turn-around at the upper end of Midland that would allow for mobility of larger vehicles headed up the Pan or into town.

Council comments:

Glenn Drummond thought it was a good design but was personally not in favor of concrete curb and gutter in the flex lane; having trees in islands would be more difficult to maintain during winter.

Ryan Slack agreed with Glenn's comments on the curbs and trees; although he liked the trees but felt it was such a small town, the flex lane would be more important overall. Ryan Slack loved the walkway at the 'knuckle' but thought there were a lot of textures and worried about how the plows would handle it. He said the surfaces needed to be durable. Ryan Slack also asked about the retaining wall down by the church.

Staff sought authorization to move into the next phase of project design. They noted the next phase would lead to pricing information. Catherine Christof said staff had been working through the pricing to be sure they'd be on track.

It was noted the desire from businesses for parking enforcement was strong; an interesting conversation because they or their employees are parking in front of their own businesses.

M/S COUNCILORS KNIGHT AND SLACK THAT THE TOWN COUNCIL AUTHORIZES STAFF TO PROCEED WITH THE GENERAL DESIGN CONCEPT PRESENTED TONIGHT. THE MOTION CARRIED 6-0-1 WITH ELYSE HOTTEL ABSTAINING.

7. COUNCIL ACTIONS:

7A. Continued Public Hearing and First Reading Ordinance No. 16, Series of 2022: An Ordinance of the Basalt Town Council, Basalt, Colorado, Approving Amendments to the Municipal Code, Amending Town Code Section 18-23, Sustainable Building Regulations (Sara Nadolny)

Senior Planner Sara Nadolny introduced Jeff Dickinson and Amanda Poindexter members of the Basalt Green Team's Green Code Committee. They were here to present some proposed code changes to the Basalt Municipal Code with a focus on Sustainable Building Regulations.

Sara noted that approximately one year ago, members of the Green Team met with the Council to discuss the Town's climate action goals. The purpose was to move the Town toward progress in its climate action goals and to pursue topics like beneficial electrification. Each Greenhouse Gas Emissions Survey the Town has received since 2014 has shown buildings to be Basalt's greatest contributor to greenhouse gas emissions. The proposed code amendments will target new construction and remodels that meet a certain threshold. They are also asking the Council to consider adopting a "Roadmap to Net-Zero" that would outline the steps the Town would take to get to net zero development by 2031. A draft resolution has been included in the agenda packet for Council consideration and future adoption.

Amanda Poindexter offered an overview of the proposed changes to get to net zero buildings – constructing a building that uses the same, or less, energy than it produces. An emissions reduction target graph by Lotus Engineering indicated Basalt was not on track to meet its emission reduction targets for 2030 and 2050. Use of on-site renewables and reduction of natural gas would allow Basalt to meet their 2025 goal and get closer to the 2050 goal. A Map to Net Zero indicated we would need to ramp up efficiency levels every three years. Amanda noted some key updates and changes that were included in the ordinance: a cleanup of the SBR (Sustainable Building Regulations); beneficial electrification with renewables, electric-ready/battery-ready, EV charging; HERS (Home Energy Rating system) rating for houses 2,000 sf and over; REMP (Renewable energy Mitigation Program) fees; energy assessments for all remodels; compliance with 2021 IECC (International Energy Conservation Code) requirements. Neighboring communities that already require HERS ratings are Carbondale, Pitkin County and

Snowmass Village, among others. Municipalities already requiring solar include the Town of Carbondale; Crested Butte has pledged to become all electric beginning January 2023.

A chart of the HERS rating system was displayed; it is the industry standard for measuring a home's energy efficiency. Amanda explained the HERS rating required in this Ordinance and how it would apply to a home over 2000 sf and those less than 2000 sf. The chart indicated annual savings of monthly utility bills based on their HERS rating. Amanda and staff are working with the building community to gain their input on the proposed code amendments.

Council asked various questions of the ratings chart, on-site renewable, options if the on-site renewables couldn't be used, fees in lieu, offset options, etc. Council expressed they didn't want to see someone penalized for purchasing a shaded space where solar alternatives weren't an option. They asked why alternative technologies such as heat pumps weren't included and wondered if someone were to pay the offsets, would they get some return on their payment of those offsets. Carbondale has had the 3 watts onsite requirement for a half a dozen years, and a fee in lieu program as well.

Bill Kane offered a synopsis of the five major components of this code amendment: On site renewable mitigation; Beneficial electrification of storage; Home Energy Rating System (HERS); Exterior energy – pools, saunas, heated driveways, heat tape, external fireplaces, etc.; Existing buildings and alterations.

Council asked if this had been submitted for peer review or review by guys in the trades. Sara said it had been made available to literally hundreds of contractors in the valley and a summary video was created. Staff was starting to get some questions, but not a lot yet; this is why staff suggested keeping the public outreach and education going for a while. Speeding this process and updating the Codes regularly was discussed as were the drawbacks to moving too swiftly, i.e., lack of vendors able to meet the demands of the Code; Council said they didn't want to price someone out of doing something with their house.

Mayor Kane opened the public hearing at 8:18 PM

Dalene Barton, General Manager of Skip's Farm to Market commented on the difficulties they recently experienced in attempting to meet codes and sustainability for the Skip's store remodel. She explained in some detail the track lighting or appliances not meeting energy output requirements, and the lack of availability of the smaller deli coolers and higher costs to obtain them. She said manufacturers don't exist for some things yet and some of the requirements were 'cart before the horse'. They have lost money on their remodel project and lost inventory as well. They had to pay the architect additional funds to redo all the electrical drawings because of these codes. Dalene said it was prohibitive for some small businesses to comply and get where they need to go. There were 20 points to meet and they only met 10; these things are not in a small business budget.

Council thought it would be good to hear back on this on September 13; and also for there to be an exception process for those uncommon circumstances for someone who couldn't comply due to some hardship or other special exception.

Dalene Barton also suggested it would be helpful to have a liaison to help guide people with this process and assist them to understand the codes requirements.

There were no further comments and the hearing was closed.

M/S COUNCILORS DRUMMOND AND SLACK TO CONTINUE THE PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 16, SERIES OF 2022 TO SEPTEMBER 13, 2022. THE MOTION CARRIED 7-0.

7B: Continued Public Hearing and Second Reading Ordinance No. 18, Series of 2022: An Ordinance of the Town Council of the Town of Basalt, Colorado, Granting Subdivision /PUD Final Plan Approval and Associated Development Review Actions to Construct 155 Dwelling Units on Parcel 5 of the Sopris Meadows Subdivision/PUD (Possumco, LLC Application) (James Lindt)

Assistant Planning Director James Lindt introduced applicant representatives Michael Lipkin, J. Ray Barlow, and Jeff Orsulak who were present to discuss this item with Council.

James recapped the project by citing the background and history, and suggested staff would offer a couple of updates to the discussion items – affordable housing, community benefits, access and vested rights.

James reviewed the number of affordable housing units the applicant increased from 44 to 46 units as well as the Real Estate Transfer Assessment (RETA) of .75% for affordable housing plus a .25% RETA for public transportation funding in addition to the 1% RETA required by the Sopris Meadows PUD for a total of 2% RETA.

The applicants proposed to make all 46 affordable for-sale units that would be available to individuals and families making 250% of AMI. BACH was not supportive of this proposal and desired a portion of the units be deed restricted Category 2 to meet the mitigation requirements in the code. Council desired the for-sale product. The applicants returned with a Category 2 rental as part of the second building of affordable housing as long as they could do the deed restricted, missing middle housing as the first building of 23 units to be built.

Community Benefits changed from the preliminary plan with the applicant now proposing .25% RETA for public transportation rather than bus passes for the tenants of the affordable housing.

The applicant has 3 access points. Since preliminary plan, the parking planned near the connection with Evans Road was removed and landscape screening materials were added.

P&Z recommended seven years of vested rights as part of preliminary plan, but Council accepted the 10 years of vested rights as long as the public improvements were made within four years.

The applicant discussed the anticipated collection of the .25% RETA might translate into about \$500,000 to \$600,000 for transit which would hopefully be a positive impactful to the carbon footprint.

Bill Kane clarified for the record:

The current submission before the council is fully consistent with the land use code and the 25% housing mitigation requirement. The Council has the flexibility to approve the phasing of the

deed restricted housing. Council could allow the units for the missing middle to come along first before the Category 2 units (Code 16-415). In addition, the Category 2 mitigation requirement is what the code requires the applicant to provide. If the Council approves the phasing as the applicant has proposed it, the application does fully meet the requirements of the Code.

The Basalt Municipal Code requiring a 25% residential mitigation is consistent with other municipalities in the mid-valley. Aspen has traditionally had higher mitigation requirements than Basalt.

This mix of ownership and Category 2 rental units has been reviewed by P&Z and BACH. P&Z took action and this is consistent with their action. BACH provided their comments as part of the discussion to Council at the final plan review.

Bill Kane opened the public hearing at 8:31 PM.

Mike Kosdrosky, speaking for himself in a personal and professional capacity, said he has been a proponent of Parcel 5 from the start. Mr. Kosdrosky said as a member of BACH, he has tried to work with Mr. Lipkin and his team to reach a creative compromise on the voluntary component of this project – Affordable Housing Two. Mr. Kosdrosky said the agreement on the community housing components tonight change Basalt's housing policies on the fly, and for one developer, with little scrutiny over the merits of his arguments. Mike said there should have been a broader public conversation before changing the scope and focus of Basalt's community housing program to satisfy one project. Mr. Kosdrosky said that was also unfair to other developers who have had to mitigate under the existing housing code. Mike thought this agreement was unwise because it ignores existing mitigation requirements and rules, it redefines the community housing program for one project without broader community conversation, scrutiny or debate on the merits of those changes; it contradicts Basalt's community housing guidelines to serve lower and median income working households. Mike Kosdrosky said the developer defined the missing middle far above the defined meaning of that term. Mathematically and statistically the middle is 100% AMI. This definition more than doubles the definition of middle from 100 to 250% AMI. The sales prices for the new income categories four through six would erase any difference in the price between deed restricted and free market housing for a townhome or condo sold in Basalt based on the most recent full year of pre-pandemic market data from the Aspen Board of Realtors. Finally, this agreement may lead to the unintended consequence of creating an artificial price floor for all future deed restricted development, particularly for-sale housing that could lead to further erosion of housing affordability in this community.

There were no further public comments and the mayor opened the floor to council comments.

Glenn Drummond said this didn't change policy; policy was met. Lipkin has added double the requirement and the sizes of these units are 2/3 bigger than any other affordable housing being built in the Town of Basalt; those things warrant this project being viewed by a different lens.

Elyse Hottel thought Mike Kosdrosky made a good point to review our current housing policy and add in the flexibility to have these kinds of unusual circumstances, and that we move our affordable housing conversation forward and we do that separately from an application review.

Angela Anderson wondered if the requirements were being met, if the missing middle building was built before the average Category 3. Angela said it didn't feel as if they were meeting the

requirement as they were building the other building first. Ryan Mahoney said the code allows that flexibility to Council in the phasing of the project, and the number of units and the income category.

Ryan Slack said he wanted on the record again, that there has to be a plan on how the Town is going to manage these ownership units; who is going manage it. Ryan Slack said we were headed down the same road as Aspen where people retire in these units and then can't afford to maintain them. Michael Lipkin said the solution was to have a reserve adequate to deal with the problems as buildings age; that is something Aspen didn't have.

Angela Anderson appreciated everyone bringing their tools to this project. She didn't think these 23 units would make or break our housing problem. She did like the Category 3 and 4 units but didn't know if it would be a good home buying opportunity at Category 5 or 6. She was happy for the Category 3 and 4 purchase options.

Michael Lipkin said he was trying to learn from what had been done before and was passionate for providing units for a middle class; there was no more confusing problem in the valley. He was more surprised to find that Basalt had 100 category units occupied by employees of Aspen businesses. Michael Lipkin said there were only two Category 5 units and two Category 4 units, or maybe only a total of three units, but he felt it was interesting to get a test out there. These are affordable by the Town's categories and there isn't going to be a free market product.

Elyse Hottel said she had expressed early on that she didn't feel the 250% AMI folks were missing middle; that they could afford a free market home. But, since there were only a couple units at the high end, she was willing to see what the market does with it.

M/S COUNCILORS DRUMMOND AND SLACK THAT THE TOWN COUNCIL ADOPT ORDINANCE NO. 18, SERIES OF 2022 ON SECOND READING. THE MOTION CARRIED 6-1 WITH COUNCIL MEMBER ANDERSON OPPOSED.

7C. Resolution No. 49, Series of 2022: Resolution of the Town Council of Basalt, Colorado, Approving a Memorandum of Understanding between the Town and the State of Colorado Energy Office (Ryan Mahoney)

Town Manager Ryan Mahoney said this MOU between the State energy office and the Town is partially for Basalt as we get ready to submit a grant application to DOLA. It supports that application by demonstrating that we would be receiving technical support from the State for the Basalt 2030 funds being used for a solar project. By signing this, it triggers the State to free up staff time to assist with technical advice as we move through design and implementation of this solar project. Some additional benefits of signing this include standardized contracts in this specific industry, and engineering support beyond our contract with McKinstry, a second set of eyes in the review phase, and a list of vetted energy service companies.

M/S COUNCILORS SLACK AND ANDERSON THAT THE TOWN COUNCIL ADOPT RESOLUTION NO. 49, SERIES OF 2022. THE MOTION CARRIED 7-0.

8. INFORMATION AND CORRESPONDENCE: **8A.** Accounts Payable; **8B.** Advanced Agendas; **8C.** 2022 Basalt Public Arts Commission (BPAC) Grant Applicants; **8D.** Correspondence to the Town

9. ADJOURNMENT

The meeting adjourned at 8:57 PM.


The minutes of the August 9, 2023 meeting were read and approved this 23rd day of August, 2022.

BASALT TOWN COUNCIL:

By: 
William G. Kane, Mayor



ATTEST:


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/251776?embedInPoint=1&embedOutPoint=10836&shareMethod=link>