



**BASALT TOWN COUNCIL
MEETING MINUTES – SEPTEMBER 28, 2021**

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.

WORKSESSION: First and Last Mile Connections to RFTA Bus Stops and circulation between Basalt Neighborhoods: Discussion of Downtowner and WE-Cycle expansion (Susan Philp and Ryan Mahoney)

Mayor Kane opened the worksession at 5:03 PM. Present for the Worksession were Council members Gary Tennenbaum, David Knight, Bill Infante, Elyse Hottel and Glenn Drummond. Council member Ryan Slack arrived just after the start of the worksession. Also present were Town Manager Ryan Mahoney, Planning Director Susan Philp, Town Engineer Catherine Christoff, and Town Attorney Jeff Conklin.

Town Manager Ryan Mahoney said he would discuss the Downtowner circulator bus possibility, and Susan Philp would discuss plans for We-Cycle. The goal this evening would be to get a general thumbs up or head nod or input for RFTA.

A brief recess was called at Council Break at approximately 5:50 PM.

1. CALL TO ORDER AND ROLL CALL

Mayor Bill Kane called the meeting to order at 6:07 PM. Present for the meeting were Council members Gary Tennenbaum, David Knight, Bill Infante, Elyse Hottel, Glenn Drummond and Ryan Slack.

2. CONSENT AGENDA:

2A. Minutes: September 14, 2021;

2B. Special Event Activity Permit: Aspen Valley Marathon, Half Marathon and 5K - Saturday October 16, 2021 (James Lindt);

2C. P&Z Appointments: Approve P&Z Reappointments and Appointment per Agenda Summary Sheet (Susan Philp);

2D. RFTA - Covenant Enforcement Commission (CEC Appointment): Appoint David Knight as the regular member, and Bill Kane as the alternate member, per the Agenda Summary Sheet (Ryan Mahoney)

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

3. CALL TO THE PUBLIC: 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 offered at this time in the meeting.

4. MAYOR AND COUNCIL REPORTS/COMMENTS

Dyana Furmanky introduced herself as the newest reporter for the Sopris Sun newspaper noting she was happy to be here and looked forward to covering the council meetings.

5. MANAGER’S REPORT: Update and Direction on SH 82 Fiber Project

Town Manager Ryan Mahoney updated council on the Fiber Project noting that there were some increased costs over what was originally anticipated. This is a partnership project with the Tree Farm development. There was an obligation by that developer and the Willits developer to put in conduit and fiber optic from El Jebel to Original Road on Highway 82 that will sync the traffic lights for better movement of traffic. The Town also looked at joining that install from El Jebel to Original for additional conduit that the Town would own. The Town got the funding from the developer of \$240,000. The estimate from Heyl Construction is \$274,000 and another \$20,000 was spent to date by the Tree Farm Developer in soft costs that we would share for engineering and such. The Town is looking at using some restricted funds to make up the difference out of the Willits RETA. Staff will come back with a contract with that developer. We will also have to obtain a CDOT Utility Permit for that work.

6. COUNCIL ACTIONS:

6A. Public Hearing and Review Renewal: RFSCB LLC, dba Roots RX Recreational Marijuana License, located at 165 Southside Drive (Pam Schilling)

Applicant Rob Holmes was present. Town Clerk Schilling noted the comments in the staff memo and the staff recommendation for renewal.

Mayor Kane opened the public hearing at 6:18 PM. There were no comments and the public hearing was closed.

M/S COUNCILORS SLACK AND KNIGHT THAT THE TOWN COUNCIL RENEW THE RECREATIONAL MARIJUANA LICENSE FOR RFSCB, LLC, DBA ROOTS RX LOCATED AT 165 SOUTHSIDE DRIVE. THE MOTION CARRIED 7-0.

6B. Public Hearing and Review Renewal: Down Valley HYH, dba Good People Medical Marijuana License, located at 175 Midland Avenue, Unit #110, Basalt (Pam Schilling)

Applicant Kale Lacroux was present at the meeting and Justin Streeb joined the meeting via Zoom. Town Clerk Schilling noted the comments in the staff memo and the staff recommendation for renewal.

Mayor Kane opened the public hearing at 6:23 PM. There were no comments and the public hearing was closed.

M/S COUNCILORS SLACK AND DRUMMOND THAT THE TOWN COUNCIL RENEW THE MEDICAL MARIJUANA LICENSE FOR DOWN VALLEY HYH, DBA GOOD PEOPLE, LOCATED IN UNIT NO. 110, AT 175 MIDLAND AVENUE. THE MOTION CARRIED 7-0.

6C. Public Hearing and Review Renewal: Down Valley HYH, dba Good People Recreational Marijuana License, located at 175 Midland Avenue, Unit #210, Basalt (Pam Schilling)

Applicant Kale Lacroux was present at the meeting and Justin Streeb joined the meeting via Zoom. Town Clerk Schilling noted the comments in the staff memo and the staff recommendation for renewal. Clerk Schilling noted the Police Department comments indicated the applicants had entered into a stipulation agreement with the State of Colorado Marijuana Enforcement Division due to the sale of product to an underage operative, and also improper labeling of product. The owners voluntarily entered into a stipulation agreement in 2021 with the State and paid a fine. The employee who sold product to the underage operative voluntarily surrendered his Occupational/Employee license. Given the agreement and stipulation with the State of Colorado, staff had no objection to the license renewal.

Mayor Kane opened the public hearing at 6:26 PM. There were no public comments and the public hearing was closed.

M/S COUNCILORS SLACK AND HOTTEL THAT THE TOWN COUNCIL RENEW THE RECREATIONAL MARIJUANA LICENSE FOR DOWN VALLEY HYH, DBA GOOD PEOPLE, LOCATED IN UNIT NO. 210, AT 175 MIDLAND AVENUE. THE MOTION CARRIED 7-0.

6D. Continued Public Hearing and Resolution No. 40, Series of 2021: Resolution of the Town Council of Basalt, Colorado, Granting Subdivision/PUD Sketch Plan Approval to Construct 155 Dwelling Units on Parcel 5, Sopris Meadows Subdivision/PUD (Possumco LLC, Application) (James Lindt)

James Lindt, Assistant Planning Director, joined the meeting via Zoom. Applicant representatives Michael Lipkin and Jeff Orsulak, as well as Attorney Jody Edwards, were present for the discussion. James reviewed the application which was first presented at the September 14 Council meeting. This is the Sketch plan review, the first of 3-rounds of review. The proposal is for 155 dwelling units in 9 buildings (44 units to be deed restricted) over approximately 12 acre parcel bounded by Park Modern, the industrial park, Willits Lake and Willits Lane.

Assistant Planning Director James Lindt identified the discussion items P&Z had considered during their review. James reviewed each discussion item with detail including: Consistency with the Master Plan; R-4 PUD Compliance; Affordable Housing Composition and Phasing, Community Benefits, Architecture/Typologies/Design; Access; pedestrian Access; POST Committee Comments; Playground; Completion of the Lake; Development Impact Fees; Traffic; Traffic Calming; First/Last Mile Improvements; Environmental/Green Building; Wildfire Mitigation; Fire District Requirements; RE-1 School District Requirements; and CDOT Requirements. James noted the pictures included in the packet of the proposed Evans Road connection to the development. The applicants have also included an alternative with an additional access off of Willits Lane

Mayor Kane opened public hearing at 6:45 PM

- Jorge Fuentes, 200 Evans Road, presented a slideshow of the area proposed for access to this new PUD, and also noted he had collected 109 signatures of neighborhood residents opposed to paving over "...one of the last unmolested green spaces in the Willits neighborhood". The petition said that the Evans Road access would "...direct an additional substantial flow of traffic into a very neighborhood street". The signatories were concerned that with the additional dwelling units and their associated vehicles, 355 parking spaces, daily delivery trucks, utility trucks and others, would crowd Evans Road. They asked that Council direct the development to use the entrances on East Valley Road and on Willits Lane, as well as removing the Evans Road entrance to Parcel 5.
- Jill Kosdrosky, Willits Townhomes owner, reiterated the letter their HOA Board had sent to Council last week. Jill said they represented 74 homeowners opposed to the Evans Road to Parcel 5 entrance and supported a Willits Lane entrance. She cited concerns for safety of children, and parking on Evans that narrows the road even more.
- Kirk Scales opposed the use of Evans Road as the access due to the narrowness of the road. Ms. Scales also cautioned Council about giving the public access to the lake and the issues it may cause; an accident waiting to happen.
- Enid Ritchy, 104 Evans Road Unit 107, was happy to hear about the access roads from Willits Lane and East Valley Road, but expressed concern for access from a narrow Evans Road. Enid cited her concerns as safety for children, pedestrians, dog walkers who use Evans Road.
- Jay Israel, 716 Evans Court, opposed the use of Evans Road as an access point. He showed an original marketing piece from 1998 that showed an access contemplated off of Willits Lane and East Valley Road.
- Joan Drake, 101 Willits Way, opposed the use of Evans Road citing safety for children, dog walkers, narrowness of roads made worse when trucks go through.
- Mary Foto, 200 Evans Road, said she looked at the Council's Strategic Plan and focused on one item of importance that is to enhance Town parks and open spaces; to pursue land use strategy to protect natural environment. Mary said there had been some lovely photos of the area in question and it was worth saving.
- Gary Ferguson, 442 Jody Road, was present to express his wife's concerns – Tisa Ferguso – who was concerned about the safety of children, dog walkers and bicyclists. Gary said it looked like the access that is currently an emergency access on to Willits Lane would be fairly easy to open to the traffic, especially for the 44 affordable units on that end of the development.
- Judy Nespeca, 618 Evans Ct., reiterated safety as a concern citing the safety for the users of the WE-cycles which were installed in the past two years. Ms. Nespeca suggested that if the access were to open to Willits Lane, the bike trail be created so bikes could go up and over that entrance to avoid traffic/bike conflicts.
- John Peetz, 638 Evans Court, walks a loop in the neighborhood every day. As a footwalker, he'd noticed an increase in traffic. He was not in support of access off of Evans Road, but did support putting access to Willits Lane or East Valley Road because of

the high number of dogs, bike stations, kids, strollers; he didn't think traffic should go between them and the community would be better served by the other two access points.

- Nikita Daniely, resident of Pitkin County, who helps take care of people in this community. said she would like the roads to be considered for emergency access in the sense that not having this (Willits Lane access?) open and available, doesn't make sense. In an emergency situation, people tend to think about the places they've gone before. If this were closed off for emergency access only, you would be setting yourself up for a pitfall in an emergency with people headed out the other access points - the wrong way - and creating a greater tragedy than needs to be.

There were no further comments and the hearing was closed at 7:08 PM.

The public was reminded this is only sketch plan review and this would be seen again.

Michael Lipkin defended the plan discussing the trails, sidewalks, open space acreage in Willits as well as the number of units proposed and three access points for this PUD. Michael said he didn't buy that Evans was a dangerous road noting the connectivity, walkability, dog friendliness of the area, and the very little traffic and parked cars he sees on Evans Road.

David Knight asked about the availability of the traffic study which the applicant thought would be ready in the next month; certainly in time for preliminary plat.

Bill Infante felt that with the three points of connection being proposed, this was an asphalt maximization plan rather than a plan serving the community with consistent concerns about the Evans Road access. He wondered if there were two other access points and this third stood in the way of unanimous support, where was the debate.

Glenn Drummond didn't feel it was fair to put all the traffic in front of the Lakeside Townhomes or in front of the affordable housing units. He felt the three access points would be needed with the amount of traffic that would be there. He wondered why the units didn't look anything like the neighboring development. He also raised the issue of parking and wondered if the building could be angled and parking loops could be put in there. Glenn also asked for information on the rental rates.

Gary Tennenbaum said he had concerns similar to Glenn Drummond's on how this affordable housing was going to fit in; it was depicted differently. He thought pursuing 3-bedroom units was good, and wondered why the applicant chose rental over for-sale units. Gary wanted to see more of an open space, so people could use the proposed park.

Ryan Slack wondered about coming off the Park Modern entrance instead, and wondered if the applicant were opposed to having three access points.

Bill Infante said he would defer to the interest and concerns of the fire, police and emergency folks around the three access points for protection of human health. Bill said he actively promoted connectivity at Willits Bend near this project, but argued that just because a road was platted, it didn't necessarily obligate it to be built; could we support connectivity through non-vehicular means?

David Knight thought the traffic study was important before we go any further. David also supported discussion of the 3-bedroom units.

Elyse Hottel said she was explicitly in favor of opening the Willits Lane egress and would reserve comment on Evans Road egress until after receiving the traffic study. Elyse also was in favor of looking at 3-bedroom units in the affordable housing section.

Council discussion followed concerning action at this sketch plan review with the traffic study being completed prior to preliminary review by Council.

Jeff Conklin noted that there is a condition of approval that the traffic study needs to be submitted prior to preliminary plan.

Gary Tennenbaum expressed concern that this project may be just too dense, but was willing to wait for the traffic study.

Michael Lipkin said the density was slightly less than Park Modern per acre of units and square footage and encouraged all to spend time down there and think about density and usage.

M/S COUNCILORS DRUMMOND AND KANE THAT THE TOWN COUNCIL APPROVE RESOLUTION 40, SERIES OF 2021. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 5-2 WITH COUNCIL MEMBERS KNIGHT AND INFANTE OPPOSED.

The petition with 109 signatures discussed by Jose Fuentes was submitted for the record.

6E. Continued Public Hearing and Resolution No. 38, Series of 2021: Resolution of the Town Council of Basalt, Colorado, Approving the CSC Sketch Plan Application to Construct a Grocery Store and Seventy (70) Residential Apartment Units on Lots A and E of the Basalt Center Subdivision, with Associated Improvements, Basalt, Colorado (James Lindt)

Elyse Hottel recused herself from this discussion and left the meeting for the evening.

Assistant Planning Director James Lindt, attending via Zoom, opened discussion by reviewing the application reviewed at the last meeting. This BCC project is the building that previously housed Clark's Market and Habitat Restore, and currently houses Jimbo's Liquor, BLT and Decorative Materials. The amount of affordable housing, scale and massing seemed to be the most significant concerns of the application. Since then, the applicants have provided a letter indicating that they thought they could increase the affordable housing to the 25% mitigation requirement, and remove the 4th floor while maintaining close to the original number of housing units originally proposed.

Applicant representatives Tim Belinski and Andrew Light were present this evening to discuss the adjustments they think they could make and receive feedback from Council.

Tim Belinski addressed the planned changes as noted in his memo dated Friday, September 24, 2021. He and Andrew Light sought comments on their proposed adjustments before moving forward on them. The planned changes included building height reduction, increased deed restricted affordable housing, Town pay for site improvements and on-going maintenance on its own property, and rescinding the share concept of the sales tax, though left the door open to discuss public /private financing of utility and infrastructure work.

Mayor Bill Kane opened the public hearing at 8:03 PM.

- David Hodgkin, Basalt resident, spoke about meeting with property owner Frank Taverna four years ago about a similar project on this site. Mr. Hodgkin said he wouldn't do it because of its size and that it would ruin mid-town Basalt. He felt the scale of the project was too much; that the community needed an established market not the type Tim envisioned; that even 3 stories was too high in this historic western town where everything in midtown was 2 stories. He felt this project would create more parking problems. Mr. Hodgkin felt that if anything needed to be developed in this spot it needed a western motif in mid-town.
- Stephanie Scavullo, 215 E Homestead Dr., said she appreciated the applicants listening to everyone at the last meeting. She said Basalt already has a grocery store noting Skip's Market and their plans to expand into an adjoining space at their current location. Stephanie talked about the pedestrian pathways she saw presented last week and thought the town should be pedestrian friendly rather than automobile oriented. She felt the project was still too large and that a traffic study should be commissioned. Stephanie also asked about the affordability of the affordable housing units.
- Kathleen Cole, 589 E Sopris Drive, said she still had issues with the parking and traffic flow and thought that that a traffic study would be important. She felt this was a most important corner in the whole town. Kathleen said she didn't see adequate outdoor space, dwelling space, community space; it still seemed like a parking lot to her. She felt the project didn't feel right or feel pedestrian oriented.
- Andrea Morales, 100 Elk Run Drive, said she heard there would be long term rentals in this project, but didn't think six months constituted 'long term'. She noted it took many years for the Town to approve any of the structures to be built on the river front property and thought Clark's Market space was the same; it was important to be mindful of what is going in there and the long term ramifications to Basalt. She also felt that with traffic, it was better for her to walk or take her bike when coming into town; it was difficult to find parking all day. She also felt that 4 stories on a building was to much.

Ryan Slack discussed the number of rentals that would be 12 months or more and those between one month and six month rentals; none of them would be short term and the number of longer term could be increased. Ryan also asked about the parking spaces; the number of parking spaces has not changed with 16 in the surface parking from the HOA, and 62 under the building.

Diverting of costs to the Town for infrastructure and maintenance was discussed, as was the possibility of putting in underground parking. The underground parking would be extraordinarily expensive and energy consumptive to pump the ground water out.

Gary Tennenbaum asked about the building height differential between the last meeting and this meeting; 49 feet on 09/28/2021 and no higher than 45 feet now, though may be closer to 40.

Clarity on the PIF was sought. Tim believed that was an issue between landlord and tenant, not a public policy. Staff indicated they would look further into PIFs, their caps, etc.

David Knight clarified that the PIF and infrastructure costs and all that would be reflected in the next stage of review. David agreed the RETA should stay. He looked forward to seeing the height renderings.

Glenn Drummond felt a stickler for him would be the cost to the Town of infrastructure for an improvement to this private project. Glenn said he was not a fan of the PIF. He also didn't feel there was height change between 49 feet and 45 feet.

Bill Infante applauded the concessions the applicant has made and for increasing the fraction and number of affordable housing units. Bill thought use of a 50/50 tax split or a PIF, was all driving toward financial viability. Bill suggested the applicant speak with staff about the ballot question being posed in November that includes a question to fund affordable housing, which outcome might offer some opportunities to address the problem without imposing an additional tax. Bill didn't think there would be much revenue derived from a RETA. He felt the applicant needed to do more about parking; more and better enforcement, not necessarily more spaces.

Ryan Slack asked to see an overlay of the development proposal over what exists there now. He also wondered about the category units and their rents. The applicant was also asked how the number of units in each category was determined.

M/S COUNCILORS SLACK AND KNIGHT CONTINUE THE PUBLIC HEARING AND RESOLUTION NO. 38, SERIES OF 2021 TO OCTOBER 12, 2021. THE MOTION CARRIED 6-0.

7. INFORMATION AND CORRESPONDENCE:

- 7A. Accounts Payable
- 7B. Advanced Agendas
- 7C. Correspondence to the Town

8. ADJOURNMENT

The meeting adjourned at 8:44 PM.

The minutes of the September 28, 2021 meeting were read and approved this 12th day of October, 2021.

BASALT TOWN COUNCIL:

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



ATTEST:

Pamela K 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/229735?embedInPoint=1&embedOutPoint=13911&shareMethod=link>