

**BASALT TOWN COUNCIL
REGULAR MEETING
MAY 24, 2010**

MINUTES

5:30 Community Service Acknowledgements: Basalt and Rural Fire Department's Heart Saver Hero Awards

Fire Chief Scott Thompson, Mayor Leroy Duroux and Hector Vazquez presented their thanks and awards to firefighters, students, teachers, police officers, students and others who were present to help save the life of a very grateful Hector Vazquez when he went into cardiac arrest at the Basalt High School. Those honored for their actions were: Juan Alvarado, Paula Mercado, Juan Carlos Alvarado, Brian Dillard, Greg Brose, Josh Bennet and Jim Hearn. Fire fighters were: Mark VanWieren, Christine Benton, Kelley Burke, Marlen Wolfe, Chris Cohan, Bret Hitchcock.

POST Interview: The applicant was not present; the interview was cancelled.

Worksession A: Wyly Arts Center – Activities and Updates

Carlyle Kyzer made a PowerPoint presentation to update the Council on the activities of the Wyly and invited everyone to join upcoming art classes. Handouts were included in the Council packets.

Worksession B: Planning Items

Staff focused on 30% slopes at this worksession. Items related to affordable housing provisions for new commercial development were postponed to another meeting.

7:12 p.m. The regular meeting of the Basalt Town Council was called to order at 7:12 p.m. on Tuesday, May 24, 2011 by Mayor Leroy Duroux.

Roll Call: Present for this meeting were Mayor Leroy Duroux along with Council members Katie Schwoerer, Peter McBride, Anne Freedman, Karin Teague and Katie Schwoerer. Council member Jacque Whitsitt was absent. Also present were Town Manager Bill Kane, Planning Director Susan Philp, Assistant Planning Director James Lindt, Finance Director Judi Tippetts, Public Works Director Bentley Henderson and Town Clerk Pamela Schilling. No citizens signed in at this meeting.

Consent Agenda:

1. Accounts Payable
- 2a. Minutes of April 26, 2011
- 2b. Minutes of May 10, 2011
3. Next Agendas

M/S COUNCILORS MCBRIDE AND SCHWOERER TO APPROVE THE ACCOUNTS PAYABLE AS PRESENTED. A ROLL CALL VOTE WAS HELD. THE MOTION CARRIED 6-0.

M/S COUNCILORS MCBRIDE AND TEAGUE TO APPROVE THE REMAINDER OF THE CONSENT AGENDA ITEMS 2A THROUGH 3. THE MOTION CARRIED 6-0.**Citizen Comments for Items Not on the Agenda and Items Added to the Agenda After the Deadline:**

There were no citizen comments presented this evening.

Council Comments:

Anne Freedman said the restroom building cleaning at Arbaney Park had resulted in the removal of the mural from the restroom building. The mural had been a community project. Anne suggested perhaps the Wyly could be invited to pull together a community project to paint a new mural on the building. Council directed staff to talk to the Wyly to see they wanted to make it project.

Karin Teague noted that Saturday, June 4 was National Trails Day. The Arbaney/Kittle Trail would be the recipient of volunteer work from the Roaring Fork Outdoor Volunteers. The trail is in rough shape. Interested individuals are asked to volunteer that day to work on the trail and keep this community amenity up to speed.

Glenn Rappaport asked if the Town was going to put a bench back by the propane tank. Bentley said the benches had been vandalized, and someone was coming in to repair them.

Peter McBride asked for some time to discuss water filling stations. Bentley Henderson said there were fountains that would be turned on now that the warm weather was back, one on the sidewalk in front of Two Rivers Café. Peter hoped to get something set up in time for the Sunday Markets; Bentley suggested setting one up on the outside of the Town Hall building. A discussion would be scheduled for a future council meeting.

Glenn Rappaport thought it would be useful to ask the post office to install a second 'snorkel' box in town to save traffic for some people. Anne Freedman said she was not against another box, but suggested at the very least, the one behind Alpine Bank could be moved closer to the street where it might get more use.

Karin Teague asked for an update on the Storey property. Public Works Director Bentley Henderson said the property had been a mud-pit for the past 3 weeks. They were waiting on a utilities locate. The irrigation is set up, but they were 3 weeks behind due to the rain.

Leroy Duroux said the flooding potential was pretty great right now. He felt it would be appropriate for the Council to authorize the Town Manager to spend funds on emergency items as and public works see a need without having to wait for approval at council meetings.

M/S COUNCILORS TEAGUE AND MCBRIDE TO AUTHORIZE THE TOWN MANAGER TO EXPEND FUNDS FOR EQUIPMENT TO HANDLE ANY FLOODING AS HE SEES FIT.

Town Manager Bill Kane expressed concern with potential blockage of the old 7-11 bridge. He thought the Town might need to pay to reserve the equipment necessary to excavate materials from the river or cinch device to pull out any tree or other blockages. The concern was prompted by the 220% of average water content in the snow pack – higher in some drainages. Bill said he had attended the Mud and Flood meeting today and was comfortable that there

were good communications systems in place. He said the focus was to get people out of harms' way, keep an eye on the bridges, and keep them free of blockages. Public Works Director Bentley Henderson said Pitkin County had dropped a load of road base and sandbags on the Storey property about 10-15 yards from the abutment of the old 7-11 bridge. They were going to place some sand and bags at Old Pond Park as well.

THE MOTION CARRIED 6-0.

Mayor Leroy Duroux said he attended the State of the River meeting last week by the Bureau of Reclamation. Leroy said it was a pretty brief discussion. They said they were cleaning the reservoir to open capacity for more water. There will be another meeting in July. That meeting may be too late, but we definitely have open communications with the Bureau; they pledged to work with everybody to make this as painless as possible. They want to divert 90 af of water this year, more than they usually take. They will continue to monitor the situation and keep in close contact with all the agencies involved.

Leroy Duroux said the Chamber and Historical Society held their RF Charity Golf Tournament yesterday. They filled all 18 teams and should have made some pretty good money to finish the Arbaney Barn this year. It was a nice event with only a couple of rain delays.

Leroy Duroux said graduation was scheduled for next week at the high school. He urged all students to take care and not do anything foolish. Project graduation would take place on Saturday night.

Town Manager's Report

Town Manager Bill Kane reported that the in a nutshell, the budget was close to the projected budget, down only 2.5% for the year. Bill and Finance Director Judi Tippetts forecasted revenues in 2011 to mirror those of 2010 – a conservative measure. They thought they might see some uptick in sales tax and homes sales, but those were off slightly. Neither Bill nor Judi felt there was a great deal to worry about.

Bill Kane said he had been meeting with the new owners of Willits. He thought the building permit could be the trigger mechanism that brings our staff back to work full time. Bill said his understanding was that the new owners were working hard with Whole Foods to get a lease back in place. He said there were signs from the planning and engineering team that they were gearing up to address some front-end structural issues.

Bill Kane said the stage construction was underway. Bill said Glenn Rappaport had been generous with his time laying this out for the Town.

Bill Kane reminded everyone that the BASH Block Party was set for June 11.

The Saturday night films were coming along. Susan Philp said there were some sponsor slots available; the sponsor gets to pick the film. The Green Team is being solicited as a sponsor of a film for a night.

The property at the Pan and Fork has passed the due diligence period. The Town will proceed to closing on June 30, 2011.

At the hydro project, the springs delivery line needed to be reinforced to withstand the pressure of the new plant. Bentley Henderson thought the turbines would spin October 1.

The water tank on the south-side is under construction; equipment is on the site. Bentley Henderson reported that the contractor had been digging rain or shine. They had taken care of the ditch crossing and were moving forward.

Important Meeting Dates:

- ♦ **BASH Block Party:** Saturday, June 11, 2011
- ♦ **Compassionate Action Meeting:** Thursday, June 9 (time to be determined)
- ♦ **Pardon My Garden Plant Sale:** Saturday, June 4 – Lions Park, 10 a.m. to 1 p.m.

5. Request for Renewal of H&R Liquor License: Bee's Bistro, 231 Harris Street, Basalt, CO

This request was pulled from the agenda as the applicants have found a lessee for the property and hoped to transfer the liquor license, saving the cost of renewal.

6. First Reading of Ordinance No. 11, Series of 2011: An Ordinance of the Town Council of the Town of Basalt, Colorado, Approving Amendments to Portions of Chapter 7 Health, Sanitation, and Animals; Chapter 11 Streets Sidewalks and Public Property; Chapter 16 Zoning; Chapter 17 Subdivision; and Chapter 18 Building; of the Municipal Code of the Town of Basalt, Colorado (landscaping, tree protection and noxious weeds)

Public Works Director Bentley Henderson and Horticulturist Lisa DiNardo were present for the first reading of this Ordinance. Bentley Henderson explained that since the worksession, staff had worked to address Council's comments. It was noted that if there were an immediate hazard tree, the Town Manager could direct public works to remove the hazard. The definitions were also cleaned up – removing the definition of 'brush', and cleaning up the paragraph related to the cutting of weeds. P&Z has recommended approval with the amendments.

Karin Teague said she was concerned with the time frames for compliance. If someone was out of Town for a month in the summer, and didn't respond to a notice for compliance, they could come home to a completely different yard; Karin said she was uncomfortable with that. Lisa DiNardo indicated that wouldn't happen; that they would do their best to work with the homeowner. Lisa said that in 10 years, there had never been an issue they couldn't resolve. Anne Freedman said that when most people leave town, they arrange for someone to take care of their yards. Bentley suggested an amendment to the ordinance to allow additional time for special circumstances. Karin felt that would be a worthwhile inclusion. Bentley said it wasn't their goal to try and find problems, or harass people and their trees. Lisa DiNardo said they'd always taken a 'hands-on' approach to reach people.

Anne Freedman was concerned about education and wondered if there would be flyers or some other distribution of information. Lisa DiNardo said there was a lot of information on-line and there was information they could distribute as well to educate people about the ordinance; PSA's could also be created.

Anne Freedman asked about shrubs hanging over a fence and onto a sidewalk. Lisa DiNardo said she generally takes those calls and follows up with the homeowner asking them to prune, or giving them the option to have her prune the offending shrubbery.

Mayor Leroy Duroux opened the public comment portion at 7:55 p.m. There were no public comments and the public comment was closed.

Glenn Rappaport said he was not comfortable with the 1st, 2nd and 3rd contacts which would empower neighbors to call and complain. He said he was comfortable with staff noticing a problem and making contact. He was concerned about the finality of someone going in and taking stuff out. Glenn said he was not concerned about the actions Lisa might take, but if she were gone, and someone else took the ordinance literally, there could be problems. He hoped that the job could be done in a way that was more 'small town'.

Lisa DiNardo said their policies and procedures on how to deal with the issues would not change; they were not starting any new policies. Lisa said this ordinance would give them the framework needed to implement what they needed to do; it sets forth a protocol to deal with issues. Bentley Henderson added that the enforcement of the noxious weed ordinance would be their biggest challenge. The ordinance gives them the ability to push a little harder if they needed to; it creates the tools to do their job effectively. Bentley said a lot of this was clarification of what was already in the code; there was nothing new beyond what they were doing today.

Anne Freedman was concerned that if Lisa were not here, and we got someone who was pretty authoritarian, she would hope the Town Manager would act in the manner of continuing to operate as a small town.

James Lindt said it became difficult when there was nothing in the Code to address an issue; staff needed the Code to develop the personal contact of a small town – to talk to the person with the compliance issue. The Code then gives the framework necessary to enforce it if necessary.

Lisa DiNardo said that the enforcement she used was education; it was all about education. The Code supported them in the field. Lisa said they didn't get a lot of complaints about how they work with the public.

M/S COUNCILORS MCBRIDE AND SCHWOERER TO APPROVE ORDINANCE NO. 11, SERIES OF 2011 ON FIRST READING: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, APPROVING AMENDMENTS TO PORTIONS OF CHAPTER 7 HEALTH, SANITATION, AND ANIMALS; CHAPTER 11 STREETS SIDEWALKS AND PUBLIC PROPERTY; CHAPTER 16 ZONING; CHAPTER 17 SUBDIVISION; AND CHAPTER 18 BUILDING; OF THE MUNICIPAL CODE OF THE TOWN OF BASALT, COLORADO (LANDSCAPING, TREE PROTECTION AND NOXIOUS WEEDS); AND TO SET THE PUBLIC HEARING AND SECOND READING FOR JUNE 14, 2011. THE MOTION CARRIED 5-1 WITH GLENN RAPPAPORT OPPOSED.

Glenn Rappaport said he was not sure what hazard landscaping was and what would happen with this framework in the future. He felt that if nothing else, there should be a framework with a review process. If the homeowner has the ability to do some level of appeal, they should be given a chance to do that. Glenn felt that if the Town took something out, they should pay to replace it with something of a similar caliper. Leroy Duroux felt that Town couldn't ignore a hazard bush or tree.

7. First Reading of Ordinance No. 12, Series of 2011: An Ordinance Vacating the Existing 176 Swinging Bridge Lane Access and Parking Easement and License

Agreement, and Approving a New Garage Access Easement and Temporary Parking and Access License Agreement at 176 Swinging Bridge Lane, Basalt, Colorado

Assistant Planning Director James Lindt explained this Ordinance, if approved, would vacate an existing parking easement and license agreement, and approve a new garage access easement and temporary parking and access license agreement for 176 Swinging Bridge Lane.

Rick Neely, representing the applicants Bob and Julie MacLean, and project architect Mike Doyle were present for this evening's discussion.

As stated in the staff memo dated May 24, 2011, the applicants are requesting a new garage easement and permission to use the right of way, as in the past, until their garage is built. The applicant currently park on the Town's right-of-way which has been uncomfortable for the property owners and public as it encroaches on the access to the Swinging Bridge. This ordinance would allow the McLean's to build a single car garage. The applicants are concerned that the requirement to remove the fence to their property line will create an issue with trespassing dogs. They may approach staff in the future with a license agreement to take care of the property.

Mr. Doyle said this proposal asks for additional FAR. With the posting and mailing of the notice to neighbors, they have heard nothing but positive recommendations.

Rick Neely said this proposal did go through an ESA review. The structure is to be remodeled; this entire process will upgrade the home and the property to be more visually attractive. It also eliminates an access issue for a long term benefit to the Town of Basalt.

Susan Philp suggested staff would return with suggestions on how to address the fence concerns.

Mayor Leroy Duroux opened the floor to public comment at 8:22. There was no public comment.

M/S COUNCILORS MCBRIDE AND FREEDMAN TO APPROVE ORDINANCE NO 12, SERIES OF 2011 ON FIRST READING: AN ORDINANCE VACATING THE EXISTING 176 SWINGING BRIDGE LANE ACCESS AND PARKING EASEMENT AND LICENSE AGREEMENT, AND APPROVING A NEW GARAGE ACCESS EASEMENT AND TEMPORARY PARKING AND ACCESS LICENSE AGREEMENT AT 176 SWINGING BRIDGE LANE, BASALT, COLORADO; AND TO SET THE PUBLIC HEARING AND SECOND READING FOR JUNE 14, 2011. THE MOTION CARRIED 6-0.

As there were 2 applicants who appeared desiring appointment to the Parks, Open Space and Trails (POST) Committee, and there were 2 vacancies, there was no need for an Executive Session to discuss the candidates.

M/S COUNCILORS MCBRIDE AND TEAGUE TO APPOINT SUSANNE RICHMOND AND CINDY BRUCE TO THE PARKS, OPEN SPACE AND TRAILS (POST) COMMITTEE. THE MOTION CARRIED 6-0.

M/S COUNCILORS MCBRIDE AND TEAGUE TO ADJOURN THE COUNCIL MEETING. THE MOTION CARRIED 6-0.

The meeting adjourned at 8:25 p.m.

The minutes of the May 24, 2011 meeting were read and approved this 14th day of June, 2011 by a motion of to .

Basalt Town Council

Attest:

By: _____
Leroy Duroux, Mayor

Pamela Schilling, Town Clerk