

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
OCTOBER 27, 2020  
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on October 27, 2020, at 6:00 p.m.

**ROLL CALL:**

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Marty Silverstein
	Ben Bohmfalk
	Lani Kitching
	Heather Henry
	Luis Yllanes
	Erica Sparhawk

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Town Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman
Parks and Recreation Director	Eric Brendlinger

**CONSENT AGENDA**

- Accounts Payable totaling \$548,280.14
- BOT 9-15-20 Work Session Minutes
- BOT 10-8-20 Regular Meeting Minutes
- Carbondale Public Arts Commission – Recommendation for Appointment
- Liquor License Renewal – Atina Bar & Grille
- Liquor License Renewal – 7-Eleven
- Liquor License Renewal – Rhumba Girls Liquor
- Resolution No. 11, Series of 2020 – Adopting the 2020 Salary Survey

Trustee Henry made a motion to approve the Consent Agenda. Trustee Kitching seconded the motion and it passed with:

*7 yes votes: Richardson, Henry, Yllanes, Silverstein, Bohmfalk, Kitching, Sparhawk*

**PERSONS PRESENT NOT ON THE AGENDA**

There was no one present who wished to address the Board.

**TRUSTEE COMMENTS**

Trustee Bohmfalk told the Board that Coventure Executive Director Michael Lowe is encouraging the Board to attend their virtual Pitch event.

Trustee Silverstein announced that the Creamery went out of business. Trustee Silverstein attended the Chamber's Confluence business meeting. A lot of presenters spoke about business challenges during COVID. Affordable Housing was another hot topic. Trustee Silverstein stated that if you haven't sent your ballot in please don't mail it, put it in a drop box.

Trustee Sparhawk thanked staff for their great job with snow removal.

Jay noted that Main Street will not be closed on cold nights and the final night of street closure for outside dining is October 31<sup>st</sup>.

Trustee Henry stated that members of the Environmental Board may join the discussion on plastics tonight. She said the Board will soon receive information from the Environmental Board subcommittee working on the Climate Action Plan.

Trustee Yllanes thanked the Police Department for making the effort to distribute Halloween candy.

Mayor Richardson stated that Public Works did a great job with snow removal. Mayor Richardson stated that he attended the Chamber Confluence business meeting and he is appreciative of the community coming together for the event. Mayor Richardson stated that he is looking forward to Coventure's Pitch event. Mayor Richardson stated that he attended the 5 Point Film Festival – it was a great virtual event. Mayor Richardson informed the Board that there is new software for smartphones that notifies you of (Colorado) COVID-19 exposure. He encouraged everyone to sign up.

**ATTORNEY COMMENTS**

The attorney did not have any comments.

**PUBLIC HEARING – CHANGE OF LOCATION – DOUBLE BLACK RETAIL MARIJUANA STORE**

Applicant: Colorado Product Services  
Location: 655 Buggy Circle

Cathy stated that the Double Black, formerly known as Dr's Garden, has applied for a change of location. They would like to move their store from Main Street to 655 Buggy Circle where their other three marijuana facilities are located. There are no distance requirements on Buggy Circle for marijuana stores, only cultivations.

Eric Netherton, representing Double Black, stated that the move would be an easy transition and it is the best move for the store. They haven't had a good relationship with their landlord in a long time.

Mayor Richardson opened the meeting to public comment.

Michael Weisser, owner of Rocky Mountain High, stated that he doesn't have a big objection to the relocation only that there will be two stores close to one another. The Town's rules permit it. He requested that the Double Black provide an Odor Mitigation Plan to the Town because there have been instances when odors have emitted from that location.

Eric responded that odor has nothing to do with their change of location. Their Marijuana Infused Product (MIP) Facility is located there and if there is an odor he is surprised because it has been shut down since April. He only has two full time employees working there.

Cathy stated that we haven't received any complaints on odors coming from marijuana stores. The odors usual come from MIPs and cultivations. They submitted and Odor Mitigation Plan for the MIPS and cultivation when they applied for their (new) licenses.

Trustee Bohmfalk asked why there is not a distance requirement but there is in other parts of Town. Cathy answered that a previous Board decided to impose a distance requirement on Main Street between 7<sup>th</sup> St. And Snowmass Dr. to prevent multiple stores on Main Street.

Mayor Richardson closed the public hearing.

Trustee Silverstein made a motion to approve Double Black's Change of Location Application. Trustee Henry seconded the motion and it passed with:

*7 yes votes: Bohmfalk, Kitching, Richardson, Henry, Silverstein, Yllanes, Sparhawk*

**MODIFICATION OF PREMISES – DOUBLE BLACK- MEDICAL AND RETAIL MARIJUANA INFUSED PRODUCTS FACILITLIES – 655 BUGGY CIRCLE**

Cathy explained that if Double Black is allowed to change their location they would need to change their floor plan to make room for the store resulting in the need for a modification of premises for the retail and medical MIPs. The modification is minor, they are putting drywall over one door to create a separation of facilities.

Mayor Richardson asked if an Odor Mitigation Plan is required. Cathy answered no because they are not changing the MIPs. However, if the Board wants an Odor Mitigation Plan staff can request one.

Cathy noted that we haven't had an odor complaint on any marijuana facility in over one a half years. If we receive multiple complaints we ask the facility to submit an Odor Mitigation Plan and mitigate the odor. When they first applied for the MIPs and

cultivation the Building Official required a Blower Door Test and a Negative Pressure Test.

Mayor Richardson opened the meeting to public comment.

Michael Weisser, owner of Rocky Mountain High, stated that in the past the Town requested Rocky Mountain High to undergo odor mitigation and submit an Odor Mitigation Plan. He wants to make sure there is not a repeat because they went to great expense to mitigate their odor. He wants to make sure that everyone is treated equally and fairly.

Cathy replied that we received several odor complaints and staff discovered the odor was emanating from Rocky Mountain High. As a result, they were asked to provide a Odor Mitigation Plan and mitigate the odor. Since they have made the improvements no odor complaints have been received.

Michael stated that he has no objections with the Modification of Premises Application.

Trustee Sparhawk made a motion to approve Double Black's Modification of Premises Applications for 655 Buggy Circle. Trustee Henry seconded the motion and it passed with:

*7 yes votes: Kitching, Bohmfalk, Henry, Silverstein, Sparhawk, Yllanes, Richardson*

### **GARFIELD CLEAN ENERGY (GCE) UPDATE**

GCE representatives Jason White, Maisa Metcalf and Katharine Rushton were present for the discussion.

Jason stated that Garfield Clean Energy has created a way for our rural region to make significant, measurable progress on energy efficiency, renewable energy, and clean energy transportation targets while creating economic benefits. Since 2009 GCE's programs and services have stimulated demand for over 360 service contractors and an average of \$3.5 million in clean energy investments each year. He thanked the Town for its leadership in serving as a founding member of Garfield Clean Energy since its inception in 2009.

Maisa stated that in 2020 staff has focused on the Energy Coaching Program, and the Re-Energize Program. All of GCE's programming switched to virtual due to COVID. The electric vehicle (EV) sales event was postponed due to COVID. To date, 21 EV's have been sold in Garfield County.

Katharine stated that GCE has also been working on developing the Three-County Solar and Storage Master Plan. The Plan creates a vision of how solar and storage in our three-county region can accelerate our progress to a clean energy future. Staff created a map of possible solar array locations.

GCE staff also assisted government partners in reviewing and negotiating Power Purchase Agreements buy-back opportunities.

GCE staff worked closely with Colorado Mountain College and Holy Cross to add solar to the Spring Valley Campus.

GCE partners installed seven Level II charging stations in 2020.

The GCE Board did not hold its annual strategic planning session in 2020 due to COVID. In lieu of the planning session staff is collecting input on 2021 programs and priorities through this annual reporting to GCE member boards. Staff will be evaluating cumulative program results and will suggest a draft plan to the GCE Board for 2021.

Mayor Richardson asked if the solar location map is available to the public? Katharine responded yes, but it's really an avenue for solar developers and County stakeholders. You need to sign a waiver to access the information. Mayor Richardson asked if GCE could put a layer on the County GIS map.

Trustee Henry asked who will collect the input from members to fold it in to their 2021 goals? Katharine answered give ideas to your GCE representative (Trustee Bohmfalk) and the representative will bring it to the Board meeting.

Trustee Sparhawk, who is employed by GCE, told the Board that staff was at Lift-Up putting flyers in the food packages. The Director told them that they needed a new cooling system and Maisa helped them acquire a \$20,000 grant which paid for the entire upgrade!

Mayor Richardson stated that he values the collaboration with GCE. He said the Environmental Board and the Board of Trustees are feeling an increasing need to focus on the Climate Action Plan. He asked that GCE's next report reference the Climate Action Plan. He also asked GCE to provide the Town with quarterly updates.

Trustee Bohmfalk stated that he likes the three-County effort and he is supportive of the mapping project. He noted that eco transition and thinking big is really important.

### **RUEDI WATER AND POWER AUTHORITY (RWAPA) UPDATE**

Executive Director April Long was present for the discussion.

April stated that the purpose of RWAPA is:

- Policy and Planning
- Advocacy
- Representation of local, regional interests to State and Federal agencies
- Foster implementation of the RF Watershed Plan action and projects

- Conduct the Ruedi Reservoir ANS (invasive mussels) inspection – it's extremely important as the threat continues to grow
- RWAPA works with Roaring Fork Conservancy on projects including water efficiency and savings

Carbondale's 2020 contribution was \$5,500 and \$10,000 for the ANS program.

### **2020-2021 PLANS**

- Community Presence
- Contract Flexibility
- Water Efficiency & Savings
- Watershed Summit
- Basin Implementation Plan Update
- Liaison Communication

RWAPA has updated the Intergovernmental Agreement (IGA) which has been reviewed by Mark Hamilton.

Discussion ensued.

Trustee Henry asked April about the Basin Implementation Plan from a development perspective (influx of population, building, etc.). April stated the State has a contractor who looks at Colorado's water needs and another who looks at each basin. They have formulas on population projections.

Trustee Silverstein asked when was the IGA last updated? April answered 2002 however, there are no significant changes. Trustee Silverstein stated there have been twice as many ANS inspections. Is more money needed for inspections since the number of vessels is increasing? April responded not at this time, they are requesting the same contribution amount as they did in 2020.

Trustee Kitching stated that April is a water engineer and she works at the Governor's office – she is a great voice for us. Trustee Kitching asked April to explain Ruedi water releases.

April stated that 2018 and 2020 have been drought years. When the water levels drop the water temperature increases. It causes environmental stress on aquatic life as well as a stress on the economy (fishing guides, etc). April advocates for Ruedi water releases to benefit the environment. She works with RF Conservancy to predict water temperatures. She noted that the lower Roaring Fork is on the State's impaired river list.

Mark Hamilton noted that the IGA doesn't include the Bylaws. April stated that the Bylaws language will be updated. The IGA will be scheduled on the November 10th BOT Consent Agenda.

## **COLORADO RIVER DISTRICT – BALLOT INITIATIVE**

Zane Kessler, representing the Colorado River District was present for the discussion.

Zane explained that the purpose of the Colorado River District is to lead in the protection, conservation, use and development of the water resources of the Colorado River Basin. Colorado has been experiencing significant warming trends. For every 1 degree increase in temperature the streamflow is reduced by 3% - 5.2%. Garfield County average temperatures have increased 3.6 degrees in the last century.

The Colorado River District is facing financial challenges due to the following: declining tax revenue from the energy industry, revenue is declining due to TABOR, and the Gallagher Amendment's reduction in the assessment rate. As a result, they reduced their labor force by four employees and reduced their expenses by 15%.

There is a question on the November Ballot (Question 7A) asking voters to increase property taxes by 0.5 mills. The money would be used to fight to keep water on the Western Slope, protect sustainable drinking water supplies, protect fish & wildlife and recreation by maintaining river levels and water quality.

Mayor Richardson asked the Board if they want to endorse Ballot Question 7A; the Board agreed.

Trustee Sparhawk made a motion for the Carbondale Board of Trustees to endorse Ballot Question 7A. Trustee Henry seconded the motion and it passed with:

*7 yes votes: Henry, Silverstein, Yllanes, Sparhawk, Bohmfalk, Kitching, Richardson*

## **DISCUSSION ON SINGLE USE PLASTICS**

Kathleen Wanatowicz of P.R. Studio was present for the discussion.

Trustee Henry explained that at the last Environmental Board meeting they discussed if it is time and is there a way to start the elimination of single use plastics effort back up.

Kathleen stated that the effort was just beginning when COVID hit. They had set the ground work but they didn't do outreach to restaurants to get quantitative barriers. They would like to interview restaurant owners on single use plastics and report back to the Board. The interviews would be one-on-one with the stakeholders.

Trustee Sparhawk stated that is a good approach. Trustee Sparhawk was hesitant to bombard restaurant owners with questions but this seems like a Carbondale style approach.

Kathleen said the question would be "What can the Town of Carbondale do to help you switch to alternative recyclable take-out products?"

Trustee Silverstein said it's fine to do a survey with the restaurant owners but we should also find out the percentage of restaurants that are already using recyclables.

Mayor Richardson said we should be prepared for push back. His preference is to postpone the effort again.

Trustee Bohmfalk stated that it's a good plan, and he supports the survey. But he would like to know who the biggest single use plastics producer is.

Trustee Henry stated she is in favor of allocating money to continue the reduction of single plastic use effort.

Kathleen stated that at a First Friday prior to COVID the feedback they received is the public wants to really move the bar.

Trustee Silverstein stated that City Market needs to eliminate their single use plastic water bottles.

Jay stated that we need to be sensitive to business stress points due to COVID.

Trustee Kitching suggested focusing on peripheral issues like contractors.

Jay noted that Plastics is not completely funded in the 2021 draft budget. We will need to supplement two funds.

Frosty Merriott stated that City Market has a 5 year plan to eliminate single use plastics. We need to get more people composting. He added there is more to this than reducing the Carbon footprint.

Summer noted that Kroger (City Market) is not planning on getting rid of single use plastics.

## **2021 BUDGET – CAPITAL PROJECTS**

### **PUBLIC WORKS**

Kevin pointed out three projects.

- 8<sup>th</sup> Street Mutli-Modal improvements to improve pedestrian and bicycle mobility
- Preliminary Engineering Report for SH 133/Industry Place roundabout (transfer \$125,000 from traffic impact fees collected from the Carbondale Marketplace development)
- Annual maintenance will not include Crack Sealing

Discussion ensued.



Trustee Bohmfalk asked if staff is looking at an Industry Way extension. Jay replied we would need to have a discussion with RFTA. Mayor Richardson stated that RFTA is currently putting all of their efforts in the Glenwood Springs maintenance facility.

Trustee Henry asked why is annual maintenance a capital project? Kevin answered that Chip and Crack Seal are capital projects.

Mayor Richardson stated that one of the Trustees' 2021 priorities is financial resiliency. Kevin's plan will take care of infrastructure needs for 2021.

### **PARKS & RECREATION**

Eric focused on the following projects:

- The Crystal River Restoration Project – staff is getting ready to apply for grants and permits
- Purchase a Track Setter for cross country and fat bike winter trails at the Rodeo Grounds – it will provide more winter amenities

Discussion ensued.

Trustee Sparhawk asked if the FMLD grant was for playground equipment; yes, it was. Eric stated that the FMLD grant pool is drying up and we will need to look elsewhere for grant money. Mayor Richardson suggested the Rotary.

Trustee Kitching stated that DHM asked for a letter of support for the Crystal River Restoration Project and she asked if it was for a grant. Eric responded yes, a \$249,000 grant.

Trustee Henry suggested staff create a list of grant opportunities outside the traditional grants.


### **ADJOURNMENT**

The October 27, 2020, regular meeting adjourned at 8:58 p.m. The next regularly scheduled meeting will be held virtually on November 10, 2020, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST:

  
Cathy Derby, Town Clerk

  
Dan Richardson, Mayor

