MINUTES
CARBONDALE BOARD OF TRUSTEES
WORK SESSION
JANUARY 21, 2020

Mayor Dan Richardson called the January 21, 2020, Work Session to order at 6:00 p.m. in the Town Hall meeting room.

ROLL CALL:

The following members were present for roll call:

Mayor
Trustees
Dan Richardson
Lani Kitching
Ben Bohmfalk
Marty Silverstein
Heather Henry

Student Trustee
Diego Valdez

Absent
Erica Sparhawk
Luis Yllanes

Staff Present:

Town Manager
Jay Harrington
Town Clerk
Cathy Derby
Town Attorney
Tarn Udall
Planner
John Leybourne

XCEL ENERGY FRANCHISE AGREEMENT

Xcel representative Kelly Flenniken was present at the meeting.

Jay explained that the current Public Service Company of Colorado (Xcel) franchise agreement which was approved in 2005, has a duration of 15 years and is set to expire in April. Jay stated that he and Tarn looked at Ft. Collins and Golden’s current agreements for comparison. Attention was particularly made to environmental concerns and how we manage the Town’s Right-of-Ways (shadow conduit).

Mayor Richardson asked if there is a difference between the Holy Cross and Xcel franchise agreements. Jay replied yes, Holy Cross is a cooperative, and they have different approaches to environmental stewardship issues. Undergrounding of transmission lines was the focus of our franchise agreement with Holy Cross.
Xcel has more overhead lines and they are pole sharing specific. They have a 1% fund for undergrounding. The underground fund balance is $97,000. Towns can borrow a three year allocation. In 2018 they contributed $96,000 to the Town’s General Fund.

Mayor Richardson asked Kelly what Xcel will look like in 15 years. Kelly responded that Xcel is leading the clean energy transition. Their vision is to be 80% carbon free by 2030 and 100% carbon free by 2050; it’s what the customers want, and the environment needs. Two of their coal plants are being retired ten years early. They are focused on EV infrastructure this year.

Mayor Richardson said that off-site options for solar would be appreciated. Kelly responded that she is working on a large solar farm in Fairplay. Securing land rights is a challenge.

Jay asked if Xcel is considering a territory swap with Holy Cross. Kelly responded no.

Trustee Bohm Falk asked why undergrounding is so important. Jay answered maintenance, aesthetics, and in specific areas it makes sense (e.g. the roundabout). Trustee Bohm Falk asked if we can re-allocate the 1% underground fund to renewable energy. Kelly said no, Xcel has not made a firm decision on reallocation as of yet.

Jay asked if Xcel anticipates any transmission line changes. Kelly responded no.

Jay said the ordinance approving the franchise agreement will come before the Board on February 25th.

OUTDOOR DINING IN THE RIGHT-OF-WAY

Jay stated that last year the Board requested a “check in” on dinning in the right-of-way prior to the summer season.

Jay stated that we started with two decks (Phat Thai and Allegria) and then it grew to five and went down to three. Staff doesn’t anticipate an increase in decks this summer. In the past staff received inquiries from businesses that wanted to use the parking space in front of their establishments as little parks. We have received a few complaints on the loss of parking spaces and bike racks.

Discussion ensued.

Trustee Silverstein stated that he thinks the decks add a nice vitality to downtown. It appears that the decks work well for dining but not solely for drinking due to the State’s liquor laws.

Student Trustee Valdez stated that he doesn’t think that it’s that big of an issue and the good outweighs the bad.
Trustee Henry said that the decks going up is a sign of summer approaching. She appreciates the decks being focused on dining.

Phat Thai owner Mark Fisher said the decks add a lot of positive energy to the downtown. Fiscally it’s a wash but he like the way Main Street feels with the decks. Senior Taco Owner Francisco stated that their customers love dining outside.

The Board agreed that dining in the right-of-way is good for downtown’s vitality. The Board directed staff to adhere to the stipulation that decking in the right-of-way is strictly for restaurants.

**MARIJUANA ORDINANCE CHANGES AND STATE STATUTE UPDATE**

Renee Grossman and Erin Diaz of High Q were present at the meeting.

The Board annually revisits the Town’s marijuana regulations to see if additions, deletions, or amendments should be made based on staff’s licensing experience in the previous year. In 2020 staff is requesting the following amendment to Ordinance No. 15, Series of 2016, Subsection (e): striking “This subsection (e) shall only apply to applications for license renewal for which the underlying license, duly issued by the Town of Carbondale, stated the requirements of this sub-section (e); the Board agreed.

John outlined the State’s recent changes to their marijuana regulations. The State is now allowing delivery of medical marijuana (and will allow retail delivery in 2021) however, local licensing is required. The State is also licensing hospitality establishments for onsite consumption of marijuana, again, local licensing is required.

Staff noted that they are merely informing the Board of the changes; they are not recommending changes to the Town’s laws at this time.

Discussion ensued.

Renee stated that the bill was rushed through and was not thought out. She said that she has serious concerns about public safety if delivery is allowed. Delivery drivers can carry upwards of $10,000 in cash/product. There is no surveillance and it is an invitation for crime. Surveillance makes her business work, it keeps it safe. Renee thinks that limited basis delivery could make sense. Trustee Henry stated that delivery is a terrible idea. The Board agreed and requested that prohibition of delivery be added to the Town’s marijuana regulations.

The Board discussed hospitality establishments and agreed to wait and see what happens in the resort towns.
Renee asked the Board if they would consider allowing tastings (under a hospitality license). The Board agreed that they don’t want to allow tastings at this time.

Renee asked the Board why there isn’t a cap on retail marijuana stores but there is a cap on Marijuana Infused Product (MIPS) businesses and marijuana cultivations. Jay responded that MIPS and cultivations have had a lot of (odor) impacts on the surrounding neighborhoods.

**ADJOURNMENT**

The January 21, 2020, work session adjourned at 8:00 p.m. The next regularly scheduled meeting will be held on January 28, 2020, at 6:00 p.m.

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Dan Richardson, Mayor

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Cathy Derby, Town Clerk