

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
SEPTEMBER 22, 2020
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on September 22, 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
Planning Director	Janet Buck

CONSENT AGENDA

- Accounts Payable totaling \$287,951.59
- BOT 9-8-20 Regular Meeting Minutes
- Retail Marijuana Cultivation Renewal Application – Happy Farmer

Trustee Sparhawk made a motion to approve the Consent Agenda. Trustee Bohmfalk 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 stated that he attended the Garfield Clean Energy board meeting where they discussed the 2021 budget. Trustee Bohmfalk asked Jay if staff can do more outreach concerning the upcoming annexation application. Trustee Bohmfalk suggested that when we have a major land use application staff should do outreach early in the process.

Trustee Silverstein stated that Steve's Guitar had their 1,000th Friday night concert last week. Trustee Silverstein thanked Jay and Renae for their work on getting the word out regarding CARES Act funding.

Mayor Richardson stated that he has been meeting with various groups on systemic racism and inequality. He attended the RFTA Board meeting where they discussed the 2021 budget and re-appropriations for this year. RFTA buses are clean and safe. RFTA received a \$13 million and \$15 million grant. Mayor Richardson noted that Jay has been talking with the local restaurants about winter options. Jay stated that some restaurants are debating outdoor dining. The Town will end the street closure on Daylight Savings. The decking will need to be removed before a serious freeze. Tents present a challenge because of air movement and they can only be at 50% capacity. Restaurants may focus on take-out and they are discussing a centralized delivery service.

Jay stated that CARES Act funding is still available, and he encouraged businesses to apply. Most businesses have applied for \$7,500 or less. The attitude has been to leave enough money for others.

ATTORNEY COMMENTS

The attorney did not have any comments.

ORDINANCE NO. 12 – SERIES OF 2020 – PROHIBITING MARIJUANA DELIVERY IN TOWN

At a previous meeting the Board discussed prohibiting marijuana deliveries in and out of Town. The Town currently has an ordinance prohibiting retail marijuana delivery, but it does not include medical marijuana. Ordinance No. 12, Series of 2020, prohibits local medical marijuana establishments from delivering in and out of town, and prohibits retail and medical marijuana businesses located outside of Town from delivering into Town. In addition, the ordinance prohibits off-site retail and medical marijuana storage facilities.

Trustee Bohmfalk explained that the Board decided to prohibit deliveries because they believe it undermines safety and creates risk. The industry is closely monitored for compliance and the regulatory system could dissolve with delivery.

Trustee Bohmfalk made a motion to approve Ordinance No. 12, Series of 2020. Trustee Yllanes seconded the motion and it passed with:

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

PUBLIC HEARING – ANNEXATION, REZONING, MAJOR SITE PLAN REVIEW, CONDITIONAL USE AND VESTED RIGHTS

Applicant: Eastwood 133, LLC

Location: 0430 Highway 133

Staff requested that the public hearing be continued to October 13, 2020.

Trustee Yllanes made a motion to continue Eastwood 133, LLC's public hearing be continued to October 13, 2020. Trustee Silverstein seconded the motion and it passed with:

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

THOMPSON PARK – REQUEST FOR CERTIFICATE OF OCCUPANCY FOR ONE UNIT

Janet explained that a number of residential buildings on Parcel 2 of Thompson Park are currently under construction. The two duplex units (Buildings 1 and 2) at the north end of the parcel near Highway 133 are nearing completion. Building 1 includes two affordable housing units and Building 2 has two free market units. Both duplex buildings are ready for final inspection in order to receive Certificates of Occupancy (CO). Building 4 is a triplex with three affordable housing units. This building is nearly complete although it is not ready for final inspection for a CO.

The condominium plat and deed restrictions for the affordable duplex and affordable triplex have been recorded.

The Development Improvements Agreement (DIA) states that all five affordable housing units should be completed prior to issuance of a CO for any free market units.

Unit 113, one of the free market units in Building 2, is currently under contract. The developer is requesting that the Town issue a CO for Unit 113 along with the COs for the two affordable duplex units. Because this is a condition in the DIA, the Board needs to determine whether or not to authorize issuing the CO.

Staff feels that it is reasonable to allow the issuance of a CO for Unit 113 as long as the COs are issued for the affordable duplex at the same time. This is based on the understanding that no further COs shall be issued for free market units until the triplex is completed and has COs for all three units. Staff recommends approval of the request.

Discussion ensued.

Some members of the Board felt that this request is setting a dangerous precedent. The DIA is clear. If the applicant thought there was ambiguity the issue could have been addressed. If we allow this exception other developers may request a similar waiver.

Other members of the Board felt that this was not setting a precedent. The family purchasing the unit shouldn't suffer. A condition could be added stating that this is a one-time exception and no more free market units will receive a CO until all of the affordable housing is finished.

Trustee Sparhawk made a motion to authorize Staff to issue a Certificate of Occupancy for Unit 113 in Building 2 of the Thompson Park Subdivision with the following two conditions:

1. The COs shall be issued for the two affordable housing units in Building 1 at the same time as issuance of a CO for Unit 113 in Building 2.
2. No further COs shall be issued for free market units until the triplex (Building 4) is completed and has COs for all three affordable housing units.

Trustee Silverstein asked Trustee Sparhawk to amend her motion and add the following condition suggested by Mark:

3. The Board of Trustees' approval of issuance of one certificate of occupancy for one free market residential unit before the issuance of certificates of occupancy for all five required community housing units for Parcel 2 is a one-time limited waiver based upon the unique facts and circumstances concerning the present status of completion of the required community housing units which shall have no precedential value—as such, the terms of all prior agreements, ordinances, codes and regulations concerning the required timing of completion of required community housing units shall continue to apply to all other present and future construction and development within the Thompson Park project.

Trustee Sparhawk agreed to amend her motion adding Condition 3 stated above. Trustee Yllanes seconded the motion and it passed with:

4 yes votes: Silverstein, Sparhawk, Kitching, Yllanes
3 no votes: Henry, Bohmfalk, Richardson

SENATOR FOOTE – DISCUSSION ON SB 181

Trustee Kitching introduced Senator Foote.

Senator Foote explained that SB 181 addresses the oil and gas industry's drilling practices/impacts. The Bill addresses: 1) better air quality, 2) local control – ability to treat service impacts like other types of land use, 3) changed the Commission to a full-time Board, and 4) mineral rights owners are not forced to lease their land. The Bill does not address setbacks or oil and gas drilling bans. The Bill is controversial, as local control is a big issue.

Trustee Sparhawk noted that the Town is a member of Colorado Communities for Climate Change (CC4CA). CC4CA has been actively helping to get the bill passed.

2021 BUDGET REVIEW – REVENUE PROJECTIONS

Renae gave an overview of Town revenues and revenue projections. Key points included:

- Sales tax revenues through the end of July are up 2.2% from 2019
- Staff is currently estimating a 3% increase in sales tax revenue over the 2019 end of year projections
- Federal Mineral Leasing and Severance Tax payments will drop drastically
- The Gar Co Road and Bridge payment is expected to be \$9,000
- Highway User's tax will be stagnant
- The Health Insurance Premium will not increase in 2021
- Garfield County invested heavily in Carbondale the past few years
- The Town will likely receive less discretionary funds from the County
- Development dedication fees generated a good amount of revenue in 2020
- The Town has seen a decrease in traffic ticket revenue due to COVID-19

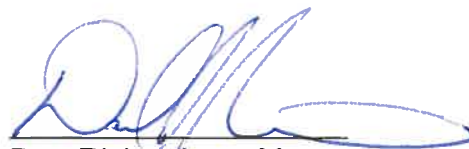
Staff would like to utilize a 5% increase in sales tax for the initial projection for 2021. Jay and Renae believe 5% is a very conservative number. Sales tax remain strong, in part due to the new City Market and taxable internet purchases.

The Board agreed that a 5% sales tax increase is an acceptable projection for the 2021 budget.

ADJOURNMENT

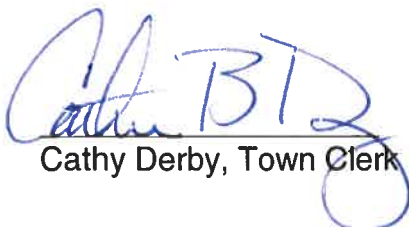
The September 22, 2020, regular meeting adjourned at 7:44 p.m. The next regularly scheduled meeting will be held virtually on October 13, 2020, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

