

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 13, 2018**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on February 13, 2018, at 6:00 p.m. in the Town Hall meeting room.

STUDENT OF THE MONTH

Students from Carbondale Community School and Ross Montessori School were in attendance to receive the "Student of the Month" award. The following students were awarded a Certificate of Achievement from Mayor Dan Richardson:

Israel Castillon	Lulu Moore
Neil Nestman	Hazel Kuhn

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Frosty Merriott
	Marty Silverstein
	Erica Sparhawk
	Ben Bohmfalk
	Luis Yllanes
Absent	
	Heather Henry
Staff Present:	
Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Attorney	Mark Hamilton
Finance Director	Renae Gustine
Public Works Director	Kevin Schorzman
Police Chief	Gene Schilling
Planner	John Leybourne

CONSENT AGENDA

- Accounts Payable totaling \$326,279.94
- BOT 1/16/18 Work Session Minutes

- BOT 1/23/18 Regular Meeting Minutes
- Garfield County Intergovernmental Agreement – Election Services
- Liquor License Renewal – Peppino's Pizza
- Liquor License Renewal – Mi Casita
- Liquor License Renewal – Pour House
- Resolution No. 5, Series of 2018 – Supporting FMLD Grant Application for Park Bathroom Improvements
- Resolution No. 6, Series of 2018 – Supporting FMLD Grant Application to Purchase a Police Car
- Crack and Seal Contract

Trustee Bohmfalk stated that he thought the purchase of a police car was included in the 2018 budget. Gene responded it was but the final price was higher than the amount budgeted. The car is going to be a combination of a police car and ordinance vehicle so it's more expensive than was anticipated.

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

6 yes votes: Silverstein, Bohmfalk, Sparhawk, Merriott, Yllanes, Richardson

PERSONS PRESENT NOT ON THE AGENDA

Cindy Sadlowski, N. 8th Street, stated that in 2008 the Aspen Skiing Company purchased 16 Keator Grove housing units. After the recession laws were established making it extremely difficult to sell units in a complex where one owner owns more than ten units. Cindy asked the Board to respectfully consider meeting with the Ski Company and ask them if they would be willing to create several Limited Liability Companies and divide ownership of the housing units among the LLC's. Jay will contact the Ski Company and report back to the Board.

TRUSTEE COMMENTS

Trustee Sparhawk stated that she attended the Third Street Center Board meeting where they talked about their Capital Improvement Plan. Also, their gym is holding a lot more events. They are conducting a survey to give the gym a new name.

Trustee Sparhawk reported that she attended the Colorado Communities Compact Symposium. The Governor mentioned GCE in his keynote speech. GCE also received an award. Trustee Sparhawk stated that one of the "take aways" from the meeting was from a speaker from Keiser Permanente who stated that in order to have successful community cohesion town staff should feel empowered and protected. Senator Bennet also spoke at the symposium. He is considering passing a resolution supporting public lands.

Trustee Silverstein stated that Trustee Merriott was the Grand Marshal of the First Friday Mardi Gras parade.

Trustee Silverstein informed the Board that the Carbondale Public Arts Commission is undertaking the preliminary voting on the 54 Art- Around-Town entries. The final voting will take place at the end of February.

Trustee Yllanes stated that he attended the Garfield County Energy Advisory Board meeting where they discussed hydro carbon emission rates. Garfield County employee Morgan Hill gave an update on monitoring the area around Battement Mesa.

Trustee Yllanes told the Board that he attended the Pickle Ball Fundraiser.

Trustee Merriott stated that he attended the Carbondale Chamber of Commerce Quarterly Luncheon.

Trustee Merriott told the Trustees that he spoke to Sarah Johnson regarding possibly helping on a water quality education campaign. She told Trustee Merriott that she is holding a water conference with 500 students in the near future.

Trustee Merriott stated that he attended a Wilderness Workshop discussion on wolf reintroduction – it's a passionate and contentious issue.

Trustee Merriott attended the Bridges High School Project Citizen student presentation on bears. Trustee Merriott would like to invite the students to the February 20th bear discussion.

Mayor Richardson stated that he attended the RFTA Board meeting where they unanimously approved the Access Control Plan. RFTA also gave an update on the ITSP. RFTA is in the process of deciding if they want to put a property tax increase question on the November ballot.

Mayor Richardson congratulated GCE for receiving an award at the Colorado Communities Compact Symposium.

Mayor Richardson congratulated the police for helping convict Benjamin Weeks of armed robbery.

Mayor Richardson stated that he attended the Morgridge Commons opening at Colorado Mountain College. It is a large, state of the art (IT) facility.

ATTORNEY'S COMMENTS

The attorney did not have any comments.

SPECIAL EVENT LIQUOR LICENSE – CHURCH AT REDSTONE

The Church at Redstone has applied for a Special Event Liquor License for a fundraiser to be held at the Third Street Center. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

The applicant asked the Trustees to consider waiving the application fee. Trustees Merriott and Silverstein volunteered to pay the application fee.

Trustee Sparhawk made a motion to approve the Church at Redstone's Special Event Liquor License Application. Trustee Yllanes seconded the motion and it passed with:

6 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes

SPECIAL EVENT LIQUOR LICENSE – DUCKS UNLIMITED

Ducks Unlimited has applied for a Special Event Liquor License for a fundraiser to be held at the Orchard. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Silverstein made a motion to approve Ducks Unlimited's Special Event Liquor License Application. Trustee Yllanes seconded the motion and it passed with:

6 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes

SPECIAL EVENT LIQUOR LICENSE – CARBONDALE ARTS FASHION SHOW

Carbondale Arts has applied for a Special Event Liquor License for their fashion show to be held at the Carbondale Recreation Center. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve Carbondale Arts' Special Event Liquor License Application. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Richardson, Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes

**PUBLIC HEARING – ORDINANCE NO. 3, SERIES OF 2018 – BIG SKY HOLDING
PUD AMENDMENT**

Applicant: Big Sky Holdings
Location: 1199 Village Road

Mayor Richardson disclosed that his employer remodeled the building. The Board did not feel it was necessary for Mayor Richardson to recuse himself from the discussion.

The applicant is applying for an amendment to the Commercial/Retail/Wholesale (CRW) Zone District. The purpose of the amendment is to allow residential units above the ground floor within the CRW zone district.

Mayor Richardson asked the Board if they would be receptive to the idea of asking the applicant to pay a voluntary Real Estate Transfer Assessment (RETA). Jay stated that the challenge is this will be a rental unit, the trigger is usually at subdivision not re-zoning.

Trustee Merriott is not agreeable to the RETA because the Town is trying to get more housing. Trustee Silverstein was also not in favor of a RETA because it gives the appearance of a Quid Pro Quo. Trustee Bohmfalk stated he is uncomfortable with the idea because it feels like bargaining.

The Board agreed that they would like to have a work session with the Planning & Zoning Commission on the encroachment of residences in commercial areas.

The applicant, Dr. Matt Verhuel, stated he is asking for the amendment because he wants his parents to move in to a two bedroom condo in his building.

Mayor Richardson opened the meeting to public comment. There was no one present who wished to address the Board.

Trustee Sparhawk made a motion to approve a zone text amendment in the CRW zone district of the Roaring Fork Village PUD with the following conditions and findings:

Conditions:

1. All representations of the Applicant and Applicant's representatives at the Public Hearing shall be considered conditions of approval.
2. Fees in lieu of water rights may be due at the time of building permit for an accessory dwelling unit.
3. The Applicant shall be responsible for all recording costs and shall pay all fees associated with this application to the Town, including any professional fees, as set forth in Section 1-8-10 of the Municipal Code.

Findings:

1. The amendment will promote the public health, safety, and general welfare as residential uses are compatible in the CRW PUD zone district and will provide additional residential housing units near commercial areas;
2. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code; specifically, the amendment allows for

a flexible mix of commercial and multiple story mixed-use buildings (Comprehensive Plan-Auto Urban) and the amendment conserves the value of buildings and property and encourages the most appropriate use of land in this zone district (UDC);

3. The amendment is consistent with the stated purpose of the proposed zoning district as increased residential uses would be consistent with the existing standard in the CI zone district in the PUD;
4. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated by ensuring adequate parking and water rights are available if residential units are constructed rather than commercial units;
5. The amendment is not likely to result in material adverse impacts to other property adjacent to or in the vicinity of the subject property, and in fact, may have less impact than commercial uses; and
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject property while maintaining adequate levels of service to existing development.

Trustee Bohmfalk seconded the motion and it passed with:

6 yes votes: Silverstein, Sparhawk, Merriott, Bohmfalk, Yllanes, Richardson

PUBLIC HEARING – ORDINANCE NO. 4, SERIES OF 2018 – SUPLIZIO REZONING

Applicant: Peter Mueller/Cindy Suplizio

Location: NW of the Intersection of Cleveland Avenue and 7th Street

The applicants have applied to rezone their property located at the corner of 7th Street and Cleveland Ave. to the Residential Medium Density (R/MD) zone district. The applicants propose to construct a single-family home on the parcel if their application is approved.

John noted that RFTA staff acknowledge that the parcel does not encroach on their land; the owners have a deed for ownership of the property.

Because of the location of the ditch on the eastern portion of the lot, staff would like to require a ditch easement.

Staff noted that the sewer is located within the Town Right-of-Way.

Mayor Richardson opened the meeting to public comment.

Patty Zuko, Cleveland Place, asked why was the land sold?. Cindy Suplizio explained that the railroad company wanted to get rid of the property so they sold it. Patty thinks a house will stick out and be noticeable. She asked if other homes will be built in this area. Cindy answered that there is one other private parcel. She asked if the owners will live there – yes, they will.

Mayor Richardson closed the public hearing.

Trustee Yllanes made a motion to approve the rezoning with the following conditions and findings:

Conditions:

1. The applicant shall be required to submit a Building Permit prior to development of any portion of the parcel.
2. All other representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
3. The Applicant shall also pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.
4. The applicant shall dedicate a ditch easement to be located above the Weaver Ditch on the eastern portion of the lot above the ditch before a building permit is issued. The size and location of the easement shall be subject to approval by Town Staff.

Findings:

1. The rezoning will promote the public health, safety, and general welfare.
2. The amendment is consistent with the Comprehensive Plan as the area is designated Downtown-Old Town Periphery which provides for single family homes and infill projects.
3. The amendment is consistent with the stated purpose of the proposed zoning district, specifically, the rezoning will provide a single-family infill project. There would be multimodal access to and from Downtown.
4. The rezoning will not result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated.

5. The rezoning will not result in material adverse impacts to other property adjacent to or in the vicinity of the subject property.
6. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are available to serve the subject property while maintaining adequate levels of service to existing development.

Discussion ensued.

Trustee Bohmfalk stated that although he supports it, he feels that it is not a good place for a house and it will be an eyesore for the area. The house will seem abrupt and out of place. People will be shocked when it is built.

Mayor Richardson agreed that the house will shock people but he is optimistic that it will look nice.

Trustee Silverstein stated that it is not the ideal lot or placement for a house but it is their property.

Trustee Yllanes stated that he doesn't see the difference between this and other buildings that are built near the trail.

Trustee Sparhawk stated she believes that another house will increase safety in the area.

Trustee Bohmfalk stated that RFTA wants to build a train on the trail in the future and he asked the applicant if they would oppose a train – they do not oppose a train.

Jay noted that the Town may be applying to GOCO for a grant to light portions of the trail.

Trustee Bohmfalk wants to make sure that the corridor is open for public use.

Trustee Sparhawk seconded the motion and it passed with:

6 yes votes: Yllanes, Richardson, Silverstein, Sparhawk, Bohmfalk, Merriott

CARBONDALE MARKETPLACE AMENDED SIA

Jay explained that an amendment to the SIA is needed to reflect the current engineer's estimates and to adjust the construction deadlines. With the amendment there will be a 30 month deadline to complete the public improvements instead of a 24 month timeline. Kroger will also have 30 months from the date of recordation of the final plat to pull the

building permit and commence construction. Staff does not anticipate any further extensions.

Trustee Sparhawk made a motion to approve the amended Subdivision Improvements Agreement for the Carbondale Marketplace Subdivision. Trustee Bohmfalk seconded the motion and it passed with:

6 yes votes: Silverstein, Merriott, Bohmfalk, Sparhawk Richardson, Yllanes

REVIEW OF LIGHTING ORDINANCE

Mayor Richardson asked Trustee Merriott what he hopes to accomplish on the Trustee Lighting Tour and in the lighting discussion. Trustee Merriott answered that he wants to be vigilant in protecting the night sky and views. The tour will show examples of good lighting and egregious violations of the Lighting Ordinance. He wants the Town to move toward compliance – it needs to be more than complaint driven. The Trustees will also tour Town facilities.

Mayor Richardson stated that he would like to see lighting improved for safety.

CHIP AND SEAL CONTRACT

Kevin stated that the Town received three (3) bids for Chip and Seal. The lowest bid, from GMCO, was for \$2.03 per square yard. GMCO was awarded the bid last year and this year's bid was 18% lower than last year's bid for two reasons. First, the aggregate specifications were changed to align to industry standards. Secondly, GMCO will not be fog sealing over the chip and seal as they have in the past. As a result, the streets will have more of an aggregate look.

Trustee Bohmfalk made a motion to award the 2018 Chip Seal Program bid to GMCO, LLC with a unit price of \$2.03 per square yard. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Sparhawk, Yllanes, Richardson, Merriott, Silverstein, Bohmfalk

AGREEMENT WITH LBA ASSOCIATES – WASTE DIVERSION CONSULTING SERVICES

Kevin explained that the Board has had several discussions related to solid waste and potential waste hauling code amendments. LBA Associates specializes in assisting communities that are attempting to move from a more traditional disposal-based waste management system to one that maximizes their diversion potential. Town staff asked LBA for a proposal to help Carbondale with our code amendments. The maximum cost of the proposal is \$18,700. If approved, the Town's Disposable Bag Fee Fund would provide the funding for the proposal.

Trustee Bohmfalk made a motion to approve LBA Associates' Proposed Scope of Work and Budget for Carbondale's Solid Waste Collection Strategy. Trustee Yllanes seconded the motion and it passed with:


6 yes votes: Merriott, Yllanes, Sparhawk, Silverstein, Richardson, Bohmfalk

Mike Hinkley, of Waste Management Recycling, stated that his company did a study on waste diversion and he is working on a report that will provide the Town with a baseline. Once it is complete he will present it to the Trustees.

ADJOURNMENT


The February 13, 2018, regular meeting adjourned at 8:10 p.m. The next regularly scheduled meeting will be held on February 23, 2018, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

