

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
AUGUST 13, 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on August 13, 2019, at 6:00 p.m. in the Town Hall meeting room.

ROLL CALL:

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Ben Bohmfalk
	Erica Sparhawk
	Lani Kitching
	Marty Silverstein

Arrived After Roll Call	Heather Henry
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Absent	Luis Yllanes
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Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renaë Gustine
Town Attorney	Tarn Udall

CONSENT AGENDA

- Accounts Payable totaling: \$552,085.11
- BOT 7/23/19 Regular Meeting Minutes
- Ordinance No. 11, Series of 2019 – Amending Smoking Regulations
- Liquor License Renewal - Carbondale Beer Works
- Liquor License Renewal – Mings
- Liquor License Renewal – White House Pizza
- Liquor License Renewal – Black Nugget
- Recommendation for Appointment – Historic Preservation Commission

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

4 yes votes: Silverstein, Sparhawk, Kitching, Richardson

Trustee Henry arrived at the meeting.

PERSONS PRESENT NOT ON THE AGENDA

Wilderness Workshop employee Alicia Zeringue asked the Board to consider signing a letter regarding changes to the National Environmental Policy Act (NEPA) regulations. She explained that the changes would scale back how the Forest Service analyzes forest impacts. She noted that NEPA allowed the Town to challenge the Thompson Divide oil/gas leases – it's an incredibly important process. She stated that Aspen, Glenwood Springs, Eagle County and Pitkin County are aligning on the issue.

Trustee Henry, who is familiar with the changes, stated that the modifications have been worked on for years and it is unfair to the Forest Service to politicize the changes. If the Trustees submit a letter we should go through the categorical exclusions and only address the ones that are relevant to us. After a short discussion the Board respectfully declined to submit a letter at this time. Alicia noted that anyone can submit a personal letter.

TRUSTEE COMMENTS

Mayor Richardson informed the Board that tomorrow is Angie Sprang's last day working for the Town. He thanked her for all of her help with Board projects. He said she's responsible for the Board being so effective.

Mayor Richard stated that the Oil & Gas Commission is looking for a local community designee. Usually this position is not held by an elected official. Jay will appoint an employee as the designee.

Mayor Richardson stated that the Colorado Municipal League (CML) district meeting is September 11th in Parachute.

Mayor Richardson received a request from the Colorado Municipal League for a Trustee to sit on the CML Policy Committee with other elected officials. No one volunteered.

Mayor Richardson told the Board that he is disappointed that Congressman Tipton's Colorado Recreation Enhancement and Conservation (REC) Act doesn't include Thompson Divide.

Trustee Silverstein stated that the Board received notice that police lieutenant Chris WurtSmith and police chief Gene Schilling will be retiring next year. He said they represent community policing at its best.

Trustee Silverstein stated that Senior Matters needs volunteers for the rodeo.

Trustee Silverstein informed the Board that last Sunday was the third of the four concerts in the concerts in the park series. It was well attended.

Trustee Silverstein announced that Friday is KDNK's Hoot event.

Trustee Silverstein stated that the Our Town, One Table event is Sunday.

Trustee Sparhawk stated that she attended the Chamber Board meeting – membership is strong.

Trustee Sparhawk attended the Colorado Communities for Climate Action meeting. She co-authored an op-ed piece weighing in on Air Quality and Zero Emission Standards.

Trustee Sparhawk thanked staff and Carbondale Arts for a wonderful Mountain Fair.

Trustee Kitching thanked Mayor Richardson for writing the op-ed article on vaping.

Trustee Silverstein stated that the mobility survey was sent to the seniors at Crystal Meadows.

ATTORNEY'S COMMENTS

The Attorney did not have any comments.

SPECIAL EVENT LIQUOR LICENSE – WILDERNESS WORKSHOP

Wilderness Workshop has applied for a Special Event Liquor License for their annual party which will be held at Sopris Park. They asked to amend their application to include a bounce house and to change the start time to 4:00 p.m. 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 Wilderness Workshop's Special Event Liquor License with the changes requested above. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Bohmfalk, Henry, Sparhawk, Richardson, Silverstein, Kitching

SPECIAL EVENT LIQUOR LICENSE – COLORADO ANIMAL RESCUE

Colorado Animal Rescue has applied for a Special Event Liquor License for their annual fundraiser which will be held at the 4th Street Plaza. 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 Colorado Animal Rescue's Special Event Liquor License. Trustee Sparhawk seconded the motion and it passed with:

6 yes votes: Henry, Sparhawk, Richardson, Silverstein, Kitching, Bohmfalk

SPECIAL EVENT LIQUOR LICENSE – CARBONDALE CLAY CENTER

Carbondale Clay Center has applied for a Special Event Liquor License for their annual fundraiser. 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 Clay Center's Special Event Liquor License. Trustee Sparhawk seconded the motion and it passed with:

6 yes votes: Henry, Sparhawk, Richardson, Silverstein, Kitching, Bohmfalk

PUBLIC HEARING – TRANSFER OF LIQUOR LICENSE – RHUMBA GIRL LIQUOR

Applicant: Rodney Turner

Location: 1310 Highway 133

Rhumba Girl Liquor has applied for a transfer of a retail store liquor license. All fees have been paid and the Police Department has reported no problems with the applicant or the premises. The police recommend approval.

Mayor Richardson opened the public hearing. There was no one present who wished to address the Board so Mayor Richardson closed the public hearing.

Trustee Silverstein made a motion to approve the transfer of Rumba Girl Liquor's retail store license. Trustee Sparhawk seconded the motion and it passed with:

6 yes votes: Silverstein, Richardson, Henry, Bohmfalk, Kitching, Sparhawk

ORDINANCE NO. 12, SERIES OF 2019 – EXPANDING THE PLASTIC BAG BAN

Trustee Silverstein stated that at the last meeting the Trustees asked the Environmental Board (Eboard) if they had contacted the store owners who would be impacted by an expanded plastic bag ban. It was discovered that the correct people were not contacted and they feel that they have been blindsided.

Trustee Henry apologized that more outreach was not done. It was not the Eboard's intent to not communicate with the retailers.

Trustee Silverstein stated that the intent of the expansion was to get rid of plastic bags, yet three of the four retailers don't provide plastic bags to customers. Trustee Silverstein believes that the expansion will put the retailers at a competitive disadvantage. There are also cultural considerations. Trustee Bohmfalk shares Trustee Silverstein's concerns but if it is in the best interest of the Town he will support the ban regardless of opposition by the retailers. Trustee Bohmfalk stated he is willing to change the amount the retailer can keep if it is onerous to collect the fee.

Mayor Richardson opened the meeting to public comment.

Federico Pena, owner of Sopris Liquor and Wine, stated that he is in favor of doing the right thing to save the environment. He is disappointed with the lack of communication by the Eboard. Lack of communication led to misinformation. Sopris Liquor has never provided plastic bags. He believes the expanded ban will put him at a competitive disadvantage because he will have to charge for paper bags; some of his customers will go elsewhere. He asked the Trustees if they want to see people walking around town with liquor bottles. If we expand the ban it should include all retailers – ban plastic throughout town and don't charge a fee for a paper bag. There is also a cultural factor: 70% of the paper bags are provided to Latino customers who don't want to draw attention to themselves.

Chris Peterson, of ACE Hardware, stated that he put the ban through the Rotary 4-Way test and it failed every part of the test. He respects the difference the Town is trying to make. He is surprised Kroeger didn't sue the Town for being singled out during the initial ban. ACE will not be distributing (paper) bags once their plastic bag supply runs out because collecting a bag fee will be a nightmare. He asked the Board to change the definition of disposable bag by removing the door hanger bag. Also, change the definition of grocer to: any seller of goods located within the Town's limits. He didn't hear about this proposal until last Friday. He asked the Board to consider passing a resolution stating that they won't pass an ordinance without contacting those who will be impacted prior to the hearing.

Colin Quinn, Chair of the Eboard, apologized that there wasn't enough outreach. They support the town business owners. He is happy to revisit the ordinance.

Will Grambois, Editor of the Sopris Sun, stated that the Sun did an article on the proposed ban on May 15th and then they covered it again on July 24th. He would like to know how the press failed so they can do a better job.

Mayor Richardson stated that he agrees with most of the comments made except a resolution requiring every stakeholder who will be impacted be contacted – it's not realistic. He doesn't want to put any business in an unfair competitive disadvantage and it seems the fee complicates things for our businesses.

Trustee Henry stated that she appreciates the Rotary 4-way test. The decisions we make today should impact the next seven future generations. She heard tonight that there is support for a town-wide ban. The intent of the original ban was never to just have the ban exclusively at City Market, it was eventually going to expand. She agrees that the fee structure over complicates things. If expanded, the town-wide bag fee doesn't make sense. Hiring a consultant to tackle reducing plastic makes sense.

Trustee Silverstein stated that the paper bag fee puts undue burden on businesses. The goal is to get rid of plastic bags.

Trustee Kitching stated that she is uncomfortable supporting the ordinance as written without fully understanding the financial impact it will have on businesses.

Trustee Bohmfalk stated he was initially sceptic about expanding the ban. The ordinance needs more work; he is not comfortable with it as written. He is worried that we are focusing on one small aspect of a problem – it can distract us. The paper bag fee presents a challenge. He noted that paper bags create a bigger carbon problem than plastic. The consumer needs to be incentivized to not get any bags which would require a fee. We should hire a consultant to help us research the issue and do the outreach.

Trustee Silverstein stated that hiring a consultant is a good idea; we need professional help. Whole Foods gives you a credit if you bring bags; it gives the customer a positive incentive to bring their own bags.

Mayor Richardson stated that three of the four businesses the ban would affect don't distribute plastic bags. The fee has a competitive disadvantage. He does not support the ordinance. He agrees that the Town should hire a consultant.

Patrick Hunter, Eboard member, stated that it was never the intention of the Eboard to have stores switch to paper, it was to get rid of plastic. We are trying to change behavior and perceptions. A fee will make people change their habits.

The Board supported the idea of developing a scope of work and hire a consultant.

UPDATE ON CRYSTAL RIVER PROJECT

Jason Jaynes, representing DHM, and Quinn Donnelly, representing RiverRestoration, were present at the meeting.

They said that the project team developed two alternatives for the project area. A series of meeting were held and the stakeholders preferred to include components from both concept alternatives. The components they will be focusing on include:

- Accessible walk/stair improvements from the north side of Crystal Bridge Dr.
- Create defined access points to the river to help protect restored bank areas
- Improve existing trails
- Minimize impacts to healthy areas of the park and focus on improvements in degraded areas
- Install a kiosk with interpretive signage and a split rail fence and gate for seasonal closure
- Protect and enhance the riparian area
- Protect bird habitat
- Protect the existing wetland areas
- Improve the Weaver Headgate
- Re-establish the low flow channel
- Undertake bank improvements

Discussion ensued.

Trustee Henry asked what is the fiscal plan for long-term maintenance. Jay answered that it's an on-going discussion.

The Board thanked Jason and Quinn for incorporating the stakeholder priorities – it dovetails with water education, water efficiency, and age friendly accessibility.

BOARD OF TRUSTEES 2020 GOALS

Mayor Richardson explained that identifying goals serves as guidance for budget issues.

Discussion ensued and the Board agreed to the following 2020 goals:

- Reducing Plastics
- Water Resiliency
- Capital Planning
- Workforce Housing
- Mobility
- Nicotine Policy

ADJOURNMENT

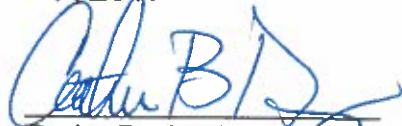
The August 13, 2019, regular meeting adjourned at 8:55 p.m. The next scheduled meeting will be held on August 27, 2019, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk