

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 8, 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on January 8, 2019, at 6:00 p.m. in the Town Hall meeting room.

**STUDENT OF THE MONTH**

Students from 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 Richardson:

Elliott Nelson

Emma Burrows

**ROLL CALL:**

The following members were present for roll call:

Mayor  
Trustees

Dan Richardson  
Marty Silverstein  
Erica Sparhawk  
Lani Kitching  
Ben Bohmfalk  
Heather Henry  
Marty Silverstein

Staff Present:

Town Manager  
Town Clerk  
Finance Director  
Town Attorney  
Planning Director  
Recreation Director

Jay Harrington  
Cathy Derby  
Rena Gustine  
Tarn Udall  
Janet Buck  
Eric Brendlinger

**CONSENT AGENDA**

- Accounts Payable totaling \$147,924.53
- BOT 12/27/18 Regular Meeting Minutes
- Retail Marijuana Store Renewal Application – Rocky Mountain High

- Medical Marijuana Dispensary Renewal Application – Rocky Mountain High
- Retail Marijuana Cultivation Renewal Application – Rocky Mountain High
- Medical Marijuana Cultivation Renewal Application – Rocky Mountain High
- Resolution No. 1, Series of 2019 – Establishing Place to Post Public Notices
- Recommendation for Appointment – Public Arts Commission
- Recommendation for Appointment – Bike/Pedestrian/Trails Commission
- Ordinance No. 1, Series of 2019 – Amending the Municipal Code Regarding the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit Code
- Resolution No. 2, Series of 2019 – Amending Appendix A Schedule of Fees of the Municipal Code

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

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

#### **PERSONS PRESENT NOT ON THE AGENDA**

Richard Votera, S. Third Street, stated that he lives on a commercial alley. He has been witnessing commercial vehicles idling and he has been talking to the drivers trying to convince them to stop. He also stated that people speed through the alley and he would like a speed limit sign installed.

#### **TRUSTEE COMMENTS**

Trustee Silverstein stated that there were a lot of kids skating on First Friday, but there weren't a lot of people out so the street re-opened at 7:00 p.m.

Trustee Silverstein stated that Postal Service employees were recognized in the Sopris Sun which was very nice.

Trustee Silverstein stated that Jill Scheer's sculpture will be displayed in the Town Hall lobby once a stand is acquired.

Trustee Kitching stated that there is a grassroots effort underway that is addressing senior mobility issues.

Trustee Bohmfalk informed the Board that he attended a Roaring Fork School District Vaping Task Force meeting. They are working with a prevention specialist.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

### **SPECIAL EVENT LIQUOR LICENSE – DANCE INITIATIVE**

Dance Initiative has applied for a Special Event Liquor License for an event to be held at the Launchpad. 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 Dance Initiative's Special Event Liquor License. Trustee Kitching seconded the motion and it passed with:

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

### **SPECIAL EVENT CALENDAR**

Eric Brendlinger explained that the Special Event Task Force (16 members) held two meetings to discuss the Special Event Calendar. There are three new events: Full Moon Triathlon, the Historical Society will be hosting the Hattie Thompson Birthday Party and there will be additional Mexican rodeos/concerts.

Mayor Richardson noted that the special events are a great community benefit and the Recreation Department is vital to ensuring their success.

Trustee Kitching made a motion to approve the 2019 special events and street closures as recommended by the Special Events Task Force & Street Closures Committee. Trustee Silverstein seconded the motion and it passed with:

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

### **PARTIAL RELEASE OF LETTER OF CREDIT – CARBONDALE MARKETPLACE**

Janet explained that the contractor working for Crystal River Marketplace, LLC has been installing infrastructure related to the public improvements for the property. The public improvements for the project were split in to two general categories: on-site and off-site. Each was secured by a separate Letter of Credit (LOC) The LOC for the off-site improvements was \$1,791,958.63 and the LOC for on-site improvements was \$950,909.30.

The Town received a LOC reduction request for \$680,760.58 for the off-site improvements. Approval of the reduction would reduce the overall security for the outstanding off-site improvements to \$1,111,198.05.

Janet noted that up to 6 partial LOC reductions may be requested. The UDC states that after the first reduction they may be done at the administrative level. The Board agreed that they would like all of the LOC reduction requests to be placed on the Consent Agenda.

Trustee Bohmfalk made a motion to approve the partial release in the amount of \$680,760.58 of the Letter of Credit for the off-site improvements related to the Carbondale Marketplace project. Trustee Henry seconded the motion and it passed with:

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

#### **PARTIAL RELEASE OF LETTER OF CREDIT – LOT 5B – 1<sup>ST</sup> BANK**

Janet explained that the contractor working for the Crystal River Marketplace, LLC installing infrastructure related to the public improvements has also been working on the infrastructure on Lot 5B (1<sup>st</sup> Bank). The Letter of Credit (LOC) for the off-site improvements was \$247,298.70.

The Town received a LOC reduction request for \$107,249.18. Approval of the reduction would reduce the overall security for the outstanding off-site improvements to \$140,049.52.

Trustee Bohmfalk made a motion to approve the partial release of \$107,249.18 of the Letter of Credit for the public improvements related to the Carbondale Marketplace, Lot 5B project. Trustee Kitching seconded the motion and it passed with:

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

#### **ORDINANCE NO 2, SERIES OF 2019 AND DEVELOPMENT IMPROVEMENT AGREEMENT – SOPRIS LODGE**

Terry Claassen, representing Pacifica Senior Living Re Fund LLC, was present at the meeting.

Janet explained that the Board approved the re-zoning of property located at 295 and 297 Rio Grande Lane to the Residential/High Density (R/HD) zone district at their February 27, 2018 meeting. The Board directed staff to prepare an ordinance of approval and a Development Improvement Agreement.

Due to the complexities related to the parcels, it has taken some time to bring these documents to the Board for approval. Janet noted that it is likely that the EQR's, and therefore water fees, in lieu of water right dedication, will be reduced. Also, in the Development Agreement the "Sheets from Plan Set" date will change.

The Board inquired about the 2<sup>nd</sup> Street Sidewalk Plan. Janet explained that the sidewalk alignment was also approved at the February 27<sup>th</sup> meeting. Staff will provide the Board with the Plan at a future meeting.

Trustee Sparhawk made a motion to approve Ordinance No. 2, Series of 2019 and the Development Improvement Agreement with the amendments noted above. Trustee Henry seconded the motion and it passed with:

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

### **EXECUTIVE SESSION**

At 7:25 p.m. Trustee Bohmfalk made a motion to go in to an Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). Trustee Kitching seconded the motion and it passed with:

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

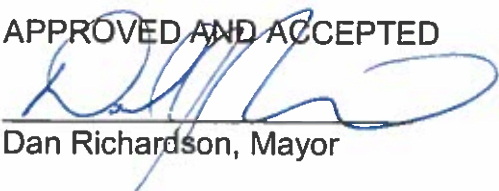
At 8:00 p.m. Trustee Bohmfalk made a motion to adjourn the Executive Session and return to the regular meeting. Trustee Kitching seconded the motion and it passed with:

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

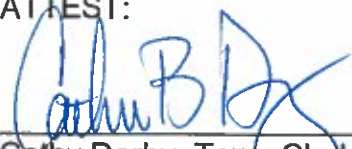
### **ADJOURNMENT**

The January 8, 2019, regular meeting adjourned at 8:00 p.m. The next regularly scheduled meeting will be held on January 22, 2019, at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk

