

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
FEBRUARY 12, 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on February 12, 2019, 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 Richardson:

Chase Campbell	Taylor Rubinstein
Cristian Gomez	Charlotte Grobler

**ROLL CALL:**

The following members were present for roll call:

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

Absent	Heather Henry
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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 \$235,122.66
- BOT 1/22/2019 Regular Meeting Minutes

- Liquor License Renewal – Peppino's
- Liquor License Renewal – Winetime
- Liquor License Renewal – 7Eleven
- Tasting Permit Renewal – Winetime
- Board of Adjustment – Appointment of Alternates
- Contract with DHM – Crystal River Restoration Project

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

*6 yes votes: Richardson, Yllanes, Bohmfalk, Silverstein, Sparhawk, Kitching*

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

There was no one present who wished to address the Board.

### **TRUSTEE COMMENTS**

Trustee Silverstein stated that he attended the Sopris Sun's 10<sup>th</sup> anniversary party. Also, he attended the Mt. Sopris Riders benefit. They groom the trails which are open to everyone, and they don't ask the Town for money.

Trustee Sparhawk stated that she testified on a vaping bill in the Denver House Committee. The bill passed in the House. The bill goes to the Senate on Thursday. If it passes the Bill will allow counties to raise the age limit to purchase tobacco products and would remove the penalty on the share back tax if you license tobacco.

Trustee Sparhawk also attended the Colorado Communities for Climate Action meeting. They discussed an option that will allow utility companies to accelerate the closing of their coal fired power plants.

Trustee Kitching attended the Senior Matters meeting; they are grateful for the Town's grant. On March 14<sup>th</sup> they are having a gathering at the Third Street Center. CLEER will be there to discuss their energy efficiency program for seniors. Electric vehicles will be a future gathering topic. On March 28<sup>th</sup> there will be a discussion on CBD's use for medical conditions at Crystal Meadows.

Trustee Kitching attended the CoVenture soft opening; she was very impressed with their programming and the remodel of the building.

Trustee Kitching will be attending the Crystal River Workshop. They will be discussing an initiative that targets the upper reaches of the Crystal River.

Trustee Kitching also attended the Garfield County Water Forum. They thanked the Town for the 250 feet water contribution during the summer drought.

Trustee Kitching attended the Rocky Mountain Health Foundation meeting which came about from the sale of the Rocky Mountain Health Plan to United Health Care. The sale resulted in a \$4 million fund that will live in perpetuity. Of the \$4 million, \$1 million will be given to western slope health related non-profits.

Trustee Yllanes stated that CPAC is jurying sculptures. The sculptures will be changed out in May and the opening is scheduled for June 6<sup>th</sup>.

Trustee Yllanes also stated that the Parks and Recreation Commission will be hosting an open house tomorrow on the North Face Master Plan which includes the installation of pickleball courts.

Trustee Bohmfalk attended the Bike/Pedestrian/Trails Committee meeting where they discussed Meadowood Drive improvements.

Trustee Bohmfalk also attended the CoVenture soft opening; a lot of good things are happening there.

Mayor Richardson informed the Board that he spoke at the Garfield County Republicans meeting. The topic was Vacation Rentals By Owners (VRBO's) and he believes the Town is on the right policy course.

Mayor Richardson attended Jim Calaway's memorial. It was uplifting and there was a great turn out.

Mayor Richardson attended the Garfield County Commissioners meeting. He thanked them for their continued support of protecting Thompson Divide.

Mayor Richardson wished the Sopris Sun Happy Birthday.

Mayor Richardson spoke with Michael Lowe, Executive Director of CoVenture, about scheduling Board meetings. Michael wants to schedule the Board meetings on a to be determined Monday afternoon at 4:00 p.m. Trustee Bohmfalk volunteered to be the Board representative.

Trustee Sparhawk stated that she attended Senator Bennett's news conference announcing his proposed Thompson Divide legislation.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

**SPECIAL EVENT LIQUOR LICENSE – DUCKS UNLIMITED**

Ducks Unlimited has applied for a Special Event Liquor License for an event 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 Sparhawk made a motion to approve Ducks Unlimited's Special Event Liquor License. Trustee Kitching seconded the motion and it passed with:

*6 yes votes: Kitching, Bohmfalk, Silverstein, Sparhawk, Richardson, Yllanes*

**SPECIAL EVENT LIQUOR LICENSE – CARBONDALE ARTS – FASHION SHOW**

Carbondale Arts has applied for a Special Event Liquor License for their annual fashion show to be held at the 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. Trustee Yllanes seconded the motion and it passed with:

*6 yes votes: Bohmfalk, Silverstein, Sparhawk, Richardson, Yllanes, Kitching*

**ORDINANCE NO. 3, SERIES OF 2019 AND DEVELOPMENT IMPROVEMENT AGREEMENT – MAIN STREET MARKETPLACE**

Applicant: Crystal River Marketplace, LLC

Location: Lot 1, Carbondale Marketplace Subdivision

Planner Bob Schultz and developer Briston Peterson were present for the meeting.

On November 27, 2018, the Board approved the Main Street Marketplace application and asked staff to prepare approval documents for the Board's consideration.

The Main Street Marketplace proposal is for a mixed-use development with about 10,000 sq. ft. of commercial space and 115 residential dwelling units on the 5.37 acre parcel. The property is Lot 1 of the Carbondale Marketplace Subdivision which is located at the northwest corner of Highway 133 and Main Street, behind the 7-Eleven store. All of the residential units would be rentals. 20% of the rentals would be deed restricted.

Janet recommend approval of Ordinance No. 3, Series of 2019, and the Main Street Marketplace Development Improvements Agreement.

Discussion ensued.

Jay added that due to the proposed phasing staff negotiated a security for restoration of the site if it is partially finished or stalls.

Mayor Richardson asked if the restoration language is too vague. Mark responded that clause 4h states that if progress ceases for an extended period of time that the security will be used to move machinery, for dust management, etc. Briston stated that he is clear on the meaning of restoration. He wants the project to be left in a state that makes it marketable and he does not want to threaten public safety.

Bob Schultz noted that providing security for restoration is not in the Municipal Code. If it is going to become a new policy then an effort should be made to create a definition.

Trustee Kitching made a motion to approve Ordinance No. 3, Series of 2019 and the Main Street Marketplace Development Improvements Agreement. Trustee Silverstein seconded the motion and it passed with:

*6 yes votes: Silverstein, Richardson, Bohmfalk, Kitching, Yllanes, Sparhawk*

Briston gave an update on the Main Street Marketplace/City Market construction. The project has been shut down for winter. Gould Construction was hired to do the utility work. City Market is fulfilling all of their obligations. They are in the process of upgrading the store's design. They are scheduled to break ground in June, and open in late 2020. First Bank will be mobilizing February 25<sup>th</sup> and there is a ground breaking ceremony on February 26<sup>th</sup>. In March a fair amount of work will take place on the Rockford Ditch and West Main Street will be reduced to one lane of traffic.

### **SCHEDULING MARCH (SECOND) MEETING**

Due to the March spring break, the Board discussed cancelling the March 26, 2019, meeting and changing the March 19, 2019 work session to a special meeting.

Trustee Silverstein made a motion to cancel the March 26, 2019 Board of Trustee meeting and change the March 19, 2019 work session to a special meeting. Trustee Kitching seconded the motion and it passed with:

*6 yes votes: Kitching, Bohmfalk, Silverstein, Sparhawk, Yllanes, Richardson*

### **VCAPS – 2019 BUDGETED ITEMS**

In September, 2018, Carbondale hosted the Western Water Assessment (WWA) group. They conducted a Vulnerability, Consequences, Adaptation, Planning Scenarios (VCAPS) pilot program workshop. The workshop resulted in an extensive report that will support the Town in taking actions to mitigate drought and climate change through combined regional efforts in the greater Roaring Fork Valley.

In January 2019, the Trustees requested a breakdown of VCAPS related projects included in the 2019 budget. An extensive list of projects is included in the Trustee packet. The projects address: reduced runoff, stress on the ecosystem, fires, reduced water supply, more concentrated waste water solids, decrease in tourism (due to drought), reduced irrigation for town facilities, reduced agriculture irrigation out of town, and a possible call on the Nettle Creek.

Discussion ensued.

Mayor Richardson noted that it may be beneficial to use climate mitigation when considering most budget decisions. The board could ask does the proposed project help or hinder climate mitigation.

Trustee Bohmfalk stated we appear to be focused on supply and we need to approach how to reduce consumption. He asked should we spend enterprise funds on finding ways to reduce demand. Should we make the Unified Development Code more aggressive in requiring lower water consumption (landscaping, etc.).

Trustee Sparhawk suggested that we focus on communication/educating citizens. The Board agreed that the VCAPS power point should be condensed. It should then be put on the website along with Angie's memo (provided in the packet) and both should be used for presentations (Chamber, etc.) The Board agreed that the Environmental Board, Parks and Recreation Commission, and the Tree Board should review the memo and power point and use them when they are preparing their future work plans.

Staff will provide water updates on a regular basis.

#### **EXECUTIVES SESSION – LITIGATION UPDATE REGARDING KIERNAN AND TUMBLEWEED CASES**

At 7:47 p.m. Trustee Bohmfalk made a motion to go in to an executive session for a conference with the town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Trustee Yllanes seconded the motion and it passed with:

*6 yes votes: Yllanes, Richardson, Silverstein, Sparhawk, Bohmfalk, Kitching*

At 8:37 p.m. Trustee Bohmfalk made a motion to adjourn the executive session and return to the regular meeting. Trustee Sparhawk seconded the motion and it passed with:

*6 yes votes: Richardson, Silverstein, Sparhawk, Bohmfalk, Kitching, Yllanes*


**ADJOURNMENT**

The February 12, 2019, regular meeting adjourned at 8:40 p.m. The next regularly scheduled meeting will be held on February 26, 2019, at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk

