

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 23, 2021  
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on March 23, 2021, at 6:00 p.m.

**ROLL CALL:**

The following members were present for roll call:

Mayor Pro Tem	Ben Bohmfalk
Trustees	Marty Silverstein
	Lani Kitching
	Luis Yllanes
	Heather Henry
	Erica Sparhawk

Absent	
Mayor	Dan Richardson

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Planning Director	Janet Buck

**CONSENT AGENDA**

- Accounts Payable totaling \$273,832.79
- BOT 3-9-2021 Regular Meeting Minutes
- Modification of Premises - Allegria
- Acceptance of Public Art Donation – The Bear
- Liquor License Renewal – The Pour House

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

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

**PERSONS PRESENT NOT ON THE AGENDA**

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

### **TRUSTEE COMMENTS**

Trustee Kitching recognized the contemptable Boulder event. She stated that she was in utter shock and feels for and supports the Bouldercommunity.

Trustee Sparhawk stated that she attended the Chamber of Commerce Business Subcommittee meeting. She said the Committee is a diverse group of people and she encouraged them to participate in the Comprehensive Plan update process. Trustee Sparhawk also attended the Colorado Communities for Climate Change Policy Committee Meeting where they discussed utility infrastructure.

Trustee Yllanes stated that he attended the Parks and Recreation Commission meeting. They recognized the Parks and Recreation Department staff. They discussed the working master calendar. Trustee Yllanes noted that the Parks & Recreation Commission will be meeting with the Trustees on April 20<sup>th</sup>.

Mayor Pro Tem Bohmfalk told the Board that the Rodeo Committee contacted Town staff and asked if they should plan for the rodeo this summer. Jay gave a COVID update. It is anticipated that in April the State will be turning COVID management over to local control (except the mask order). Garfield County has indicated that once they have local control, they will remove any health restrictions. Jay noted that the rodeo is already set up for social distancing. The Board agreed that the rodeo committee should start planning for the summer. It was noted that the Town will enforce recommended restrictions.

### **ATTORNEY'S COMMENTS**

The attorney was not present for the meeting.

### **PUBLIC HEARING – TRANSFER OF LIQUOR LICENSE – AXD BABE**

Applicant: Glitter & Gold, Ltd  
Location: 689 Main Street

Applicant Taylor Freeman was present for the public hearing.

Cathy explained that the Landmark Café allowed Axed Babe to operate in their tent. Landmark Café is going out of business so Axd Babe has asked to transfer the liquor license.

The Board did not have any questions for the applicant.

Mayor Pro Tem Bohmfalk opened the meeting to public comment. There was no one present who wished to address the Board so Mayor Pro Tem Bohmfalk closed the public hearing.

Trustee Sparhawk made a motion to approve the Liquor License Transfer of Ownership for Axd Babe. Trustee Silverstein seconded the motion and it passed with:

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

**SPECIAL EVENT LIQUOR LICENSE – KDNK – DANDELION DAY**

Cathy stated that KDNK has applied for a Special Event Liquor License for Dandelion Day. It is the first Special Event Liquor License in over a year. She noted that Eric Brendlinger is working closely with the event organizer to make sure they adhere to COVID protocol. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Kitching made a motion to approve KDNK's Special Event Liquor License with the condition that the event organizer must follow all COVID restrictions in place at the time of the event. Trustee Yllanes seconded the motion and it passed with:

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

**CARBONDALE CENTER PLACE – CONSIDERATION OF:  
ORDINANCE NO. 1, SERIES OF 2021 – SUBDIVISION EXEMPTION FOR LOTS 1  
AND 2; ORDINANCE NO. 2, SERIES OF 2021 – MAJOR SITE PLAN REVIEW FOR  
LOT 1; ORDINANCE NO. 3, SERIES OF 2021 – MAJOR SITE PLAN REVIEW FOR  
LOT 2; SUBDIVISION IMPROVEMENTS AGREEMENT – LOT 1 (CARBONDALE  
CENTER PLACE, LLC); SUBDIVISION IMPROVEMENTS AGREEMENT – LOT 2  
(STEIN PROPERTIES, LP)**

On February 9<sup>th</sup>, the Board approved the application for Major Site Plan Review, Subdivision Exemption, Conditional Use Permits and Alternative Compliance for the Sopris Shopping Center and Sopris Self-Storage properties.

At that meeting, the Board closed the public hearing and directed staff to prepare approval documents for the Board's consideration.

Ordinance No. 1 approves the subdivision of the property into two lots. This document provides for a six month deadline to record the plat. This is to allow the demolition of the Sopris Shopping Center buildings to be done before moving forward on the development.

Ordinance No. 2 approves the Major Site Plan Review for the mixed-use buildings on Lot 1. This document includes the condition that 4 EV charging stations be provided on the lot.

Ordinance No. 3 approves the Major Site Plan Review for the self-storage facility on Lot 2. This ordinance includes the condition that the building be net-zero.

Subdivision Improvements Agreement (SIA) for Lot 1 includes conditions related to the improvements proposed for the mixed-use development and the timeline for construction. The agreement provides that if the applicants want to record the subdivision plat prior to demolition of the Sopris Shopping Center buildings, the letter of credit will need to be increased to include the cost of the demolition of the buildings.

The SIA for Lot 2 is similar but for the self-storage facility.

Staff recommends approval of the three ordinances and the two SIAs.

The Board did not have any questions for staff or the applicant.

The applicant did not have any comments.

Trustee Sparhawk made a motion to approve: Ordinance No. 1, Series of 2021 – Approval of Carbondale Center Place Subdivision Exemption; Ordinance No. 2, Series of 2021 – Approval of Major Site Plan Review for Lot 1; Ordinance No. 3, Series of 2021 – Approval of Major Site Plan Review for Lot 2; Subdivision Improvements Agreement for Lot 1, Carbondale Center Place; Subdivision Improvements Agreement for Lot 2, Carbondale Center Place. Trustee Yllanes seconded the motion and it passed with:

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

### **REVIEW OF CLEER CAP WORK PLAN**

Trustee Sparhawk, who is employed by CLEER, recused herself and left the meeting.

CLEER employee Maisa Metcalf was present for the discussion.

At the Trustee/Environmental Board (EBoard) meeting on February 23<sup>rd</sup> the Board requested that CLEER provide support to the EBoard in their efforts to achieve Climate Action Plan (CAP) goals. CLEER's Scope of Work provides a work flow protocol. Maisa stated that if the EBoard requires additional work EBoard liaison Trustee Henry should notify Jay Harrington who will then inform the Board of the additional work request. If the Trustees agree to the additional work CLEER will be contacted.

Mayor Pro Tem Bohmfalk asked if the additional \$25,000 given to the EBoard for CAP work in 2021 will be on-going. Trustee Henry responded it's very like in order to reach CAP goals.

Trustee Henry made a motion to approve CLEER's Scope of Services and Work Plan 2021 as presented. Trustee Kitching seconded the motion and it passed with:

*5 yes votes: Henry, Silverstein, Yllanes, Bohmfalk, Kitching*

Trustee Sparhawk returned to the meeting.

### **DOWNTOWN SUMMER COVID ADAPTIONS**

At the March 16<sup>th</sup> Work Session, the Board discussed the possibility of allowing for Main Street closure(s) to accommodate street side dining. Multiple options were discussed, and the Board agreed to finalize their decision at the March 23<sup>rd</sup> meeting.

Discussion ensued on the options and the following decisions were made and public comments received:

Lynn Kirchner, Amore Real Estate, stated that the Board has worked hard on this issue and has received lots of public input. The rodeo should be considered when closing Main Street on Thursday nights. It's not easy to turn on to 2<sup>nd</sup> street when you are towing a horse trailer. She asked the Board to consider handicap parking. She asked what happens in inclement weather? Can you reopen the street?

**The majority of the Board agreed that Main Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets would be closed from 4:30 p.m. – 10:30 p.m.**

Andreas Fischbacher, Allegria, stated ideally, he would like the street to close at 4 p.m. and stay open until 10:30 p.m. as it takes a lot of time to set up/break down. Jay stated his expectation is that Town staff will not be responsible for the street closure and re-opening. Staff leaves at 3:30 p.m. and last year the Town had CARES Act funding to pay for overtime. Staff will color code the street to make it simple to put up the barriers that close the street.

**The majority of the Board agreed that the restaurants/bars would be responsible for closing and re-opening the street.**

Amy Charters, Lulubelle, stated that she prefers that the street close at 5:00 p.m. but a 4:30 p.m. compromise is fair. She added that she is also speaking on behalf of Sawyer's Closet and HighQ. Businesses are opening back up, and COVID restrictions are being lifted. Once restaurant restrictions are lifted, she expects that the street closure would be cancelled.

**The majority of the Board agreed to close Main Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets Wednesday – Saturday.**

Ryan Sweeney, Brass Anvil, hopes the rodeo problem solves itself. He hopes indoor dining COVID restrictions will be lifted and when they are, he would like to see the street closure lifted. The street closure is tied in with the capacity restrictions.

**The majority of the Board agreed that Main Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets would be closed, and street side dining (including decking) would be permitted, May 1 – October 15, 2021.**

Andreas Fishbacher suggested allowing street side dining beginning in mid-April. He doubts restaurants will be able to return to full capacity. A large percentage of residents favor the closure. The Board needs to think about the social and cultural impacts restaurants provide. Cathy stated that most of the restaurants have not applied for a modification of premises. It's unlikely that they would receive the State's approval by mid-April.

Amy Charters stated that closing the street from Memorial Day to Labor Day would be great – it's high season. She said that it's hard to hear from restaurants that this is

necessary. Businesses chose their locations. She hopes that the Board will not make this an on-going issue.

**The majority of the Board agreed that each business would receive one parking space for street side dining, and decking would be permitted to extend 25 feet. If the adjacent business consents to a restaurant/bar using the space in front of their business the restaurant/bar will be allowed to have two spaces.**

Amy Charters proposed that everyone be given a 25' x 9' space.

**The majority of the Board agreed that two 20 minute parking spaces shall be designated on 3<sup>rd</sup> Street from May 1 – October 15, 2021.**

Hilary Back, Back to Balance, stated that the short-term parking on 4<sup>th</sup> Street doesn't help her business. She doesn't want any additional short-term parking to be created on 4<sup>th</sup> Street. She stated that she agrees with Amy that everyone should be given a 25' x 9' space.

Trustee Henry made a motion to approve the following: Main Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets will be closed Wednesday – Saturday from 4:30p.m. – 10:30 p.m. beginning May 1 and ending October 15. The restaurants/bars will be responsible for the street closure/re-opening. Each business will receive one parking space for street side dining and decking would be permitted to extend 25 feet. If the adjacent business consents to a restaurant/bar using the space in front of their business the restaurant/bar will be allowed to have two spaces. Two, 20 minute parking spaces shall be designated on 3<sup>rd</sup> Street from May 1 – October 15, 2021. Trustee Kitching seconded the motion and it passed with:

*5 yes votes: Bohmfalk, Kitching, Henry, Yllanes, Sparhawk  
1 no vote: Silverstein*


### **MISCELLANEOUS**

Jay informed the Board that the Comprehensive Plan Sub Committee is meeting on Friday to review the Comprehensive Plan Update Request for Proposal(s). Five proposals were received.

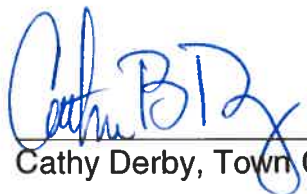
**ADJOURNMENT**

The March 23, 2021 regular meeting adjourned at 8:13 p.m. The next regularly scheduled meeting will be held virtually on April 13, 2021, at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk