

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
MARCH 19, 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on March 19, 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	Erica Sparhawk
	Lani Kitching
	Ben Bohmfalk
	Luis Yllanes
	Marty Silverstein

Arrived After Roll Call	Heather Henry
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**Staff Present:**

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Town Attorney	Mark Hamilton
Town Attorney	Tarn Udall
Public Works Director	Kevin Schorzman
Planning Director	Janet Buck
Planner	John Leybourne

**CONSENT AGENDA**

- Accounts Payable totaling \$82,969.81
- Red Hill Intergovernmental Agreement – Conservation Trust
- FMLD Grant – Sol Energy, LLC - Solar Install Contract Miner's Park

Trustee Bohmfalk made a motion to approve the Consent Agenda. Trustee Kitching 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 Sparhawk stated that the next Colorado Communities for Climate Action meeting is scheduled for April 5<sup>th</sup> from 9:00 am – 11:00 am in Basalt. They have asked her to submit an op ed piece supporting the bills moving through the legislature. She asked the Board for permission to do so, and said she would send the Board the article to review before submitting it. The Board agreed.

Trustee Bohmfalk attended the first Coventure Board meeting. They discussed their upcoming events which include: a speaker series, incubation opportunities, and Pitch Night on April 12<sup>th</sup> which is open to the public.

Trustee Silverstein said Atlantic Magazine had a good article on recycling and towns who have stopped recycling due to the high cost.

Trustee Silverstein thanked Trustee Kitching for attending the Garfield County Commissioner's meeting where they considered a land use change for two new storage facilities.

Trustee Kitching stated that she attended the Ruedi Water and Power Authority retreat. They discussed three initiatives: the invasive species program, bridging the disconnect between development and water resources, and they don't want to lose sight of the 2016 Water Shed Plan.

Trustee Kitching thanked the Garfield County Commissioners for supporting the CORE Act.

Mayor Richardson attended the RFTA Board meeting. RFTA staff is working on Destination 2040 projects. Destination 2040 now has a dedicated website. They also discussed the construction management team. The team's role is to assist in projects where RFTA is a significant stakeholder.

Mayor Richardson attended the Building a Better Colorado meeting. They brainstormed on what changes, if any, can be made to TABOR. The Board will get invited to a future meeting.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

**SPECIAL EVENT LIQUOR LICENSE – CARBONDALE COMMUNITY ACCESS  
RADIO - KDNK**

KDNK has applied for a Special Event Liquor License for Dandelion Day. All fees have been paid and the police department has reported no problems with the applicant or the premises.

Trustee Bohmfalk made a motion to approve KDNK's Special Event Liquor License. Trustee Silverstein seconded the motion and it passed with:

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

**SPECIAL EVENT LIQUOR LICENSE – COVENTURE**

Coventure has applied for a Special Event Liquor License for an event 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.

Trustee Bohmfalk made a motion to approve Coventure's Special Event Liquor License. Trustee Sparhawk seconded the motion and it passed with:

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

**PUBLIC HEARING – ORDINANCE NO. 4, SERIES OF 2019 – AMENDING THE  
UNIFIED DEVELOPMENT CODE**

Applicant: Town of Carbondale

Janet stated that this is a public hearing for the purpose of considering amendments to the Unified Development Code (UDC).

The UDC process started in July of 2013 with the intent to re-write the subdivision and zoning code so that it was in harmony with the 2013 Comprehensive Plan. It was adopted in March of 2016.

Overall, the UDC has provided a clear development code. It is well written and to date, it has provided guidance during review of land use applications.

Since the adoption, staff and the Planning and Zoning Commission have been working on amendments to the UDC. Comments were solicited from town staff, advisory boards and commissions in 2017. Planning and building staff requested a number of revisions over the last year. Also, Clarion reviewed development standards as they relate to impervious coverage, lot size and common open space. The Clarion findings were presented to the Planning & Zoning Commission in December of 2018. Members of the

public were present at that meeting and provided feedback on the amendments. The amendments were incorporated into the redlines.

Janet recommends approval of Ordinance No. 4, Series of 2019 amending the Unified Development Code.

Discussion ensued.

Trustee Bohmfalk asked if the lighting temperatures and sidewalk widths are consistent; they are.

Trustee Yllanes asked how enforcement will work for buildings with non-compliant lighting like Carbondale Middle School. Jay responded that the school district doesn't have to adhere to the UDC.

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

Trustee Bohmfalk made a motion to approve Ordinance No. 4, Series of 2019 – amending the Unified Development Code with the following findings:

**Findings:**

1. The proposed amendments will promote the public health, safety, and general welfare;
2. The proposed amendments are consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code as it provides improvements to the UDC; and
3. The proposed amendments are desirable because of changing conditions, specifically, administration of the UDC over the last 18 months indicate that the amendments are desirable to improve the UDC.

Trustee Bohmfalk stated that the fact that members of the public aren't at the meeting is a testament that the land use code is working.

**PUBLIC HEARING – ORDINANCE NO. 5, SERIES OF 2019 – AMENDING THE SIGN CODE**

Applicant: Town of Carbondale

John Leybourne explained that the town attorney has proposed amending Section 5.9 Signs in the Unified Development Code due to legal proceedings that the Town has been involved in. The changes include placing a timeframe for approval/disapproval of a sign permit. Also, recommended is a timeframe that a business may display signage

before the business becomes operational. A definition for "Operational" has also been added.

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

Trustee Yllanes made a motion to approve Ordinance No. 5, Series of 2019 amending the Sign Code in the Unified Development Code. Trustee Sparhawk seconded the motion and it passed with:

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

### **WASTE HAULING CONTRACT AWARD**

Jeb Hensley of Waste Management and Doug Goldsmith of Mountain Waste Recycling were in attendance.

Kevin stated that the Town received two waste hauling proposals. Both proposals were excellent and it was not an easy decision. Kevin is recommending that the Town select Mountain Waste for all three contracts.

Discussion ensued.

The Board agreed that they do not want residents to be fined for violations and staff and the trash company should concentrate on educating the public.

Trustee Kitching stated that this is a big undertaking. She asked if staff is confident that they can manage it. Jay stated that's why we are building in administrative fees. The transition from June – September is the big piece. It's expected that we are going to get push back from people who don't have trash service now. Originally there will be 1,500 accounts but that will increase once the homeowner's associations' contracts expire.

Trustee Yllanes asked how staff is going to alert the Latino community to the change. Kevin stated that all materials will be printed in both English and Spanish. Staff will contact all of the newspapers. Information will be placed on the variable sign. And staff will use the Town's Communication Plan.

Trustee Silverstein stated that he was skeptical when the Board started this process. He said Trustee Bohmfalk ensured him that moving to a single hauler would be more affordable and it is. It is a win/win situation.

Trustee Bohmfalk asked about the container exchange. Kevin explained that within the first sixty days a resident may change the size of their container one time without receiving a surcharge.

Trustee Silverstein asked what happens when a resident has more trash than the size of their container. Kevin answered they would need to call the provider not the town.

Mayor Richardson asked the two trash companies how many citations were issued in 2018. They both responded not many. Mayor Richardson stated that he would like to see a baseline of violations.

The Board asked what recyclables are included. Kevin stated that it's based on what the recycling facilities will accept. Trustee Silverstein asked if the contract is flexible enough to allow for changes in what is accepted for recycling; it is.

Trustee Henry arrived at the meeting.

Kevin stated that the Administrative Fees will be charged from September – December. In December staff and the Board will have the opportunity to set the fees for 2020. Yard waste pick up won't start until 2020. There is a cushion built into the administrative fees because the yard waste pick up is factored in the fees.

The Board asked Kevin what led to his recommendation. Kevin responded price, and the appeal for the one day a week pick up.

Mayor Richardson stated that he prefers the Board choose Waste Management. Trustee Henry stated that she prefers Mountain Waste since 70% of the community already uses them. Trustees Kitching, Bohmfalk, Sparhawk, Yllanes and Silverstein deferred to staff making the decision.

Mayor Richardson asked the Board if they agree to staff's recommendation for Contracts B and C; they did.

Mayor Richardson opened the meeting to public comment.

Jeb Hensley thanks the Board for the opportunity to bid the project. He felt that the price point was a big deal. Waste Management's prices are skewed because they included the price of providing small containers. Safety is the biggest selling point of their company.

Dough Smith stated that the lack of citizens present is a testament to staff's ability to distribute information to the public. Doug said "we are your neighbor, full-service local company."

Trustee Bohmfalk made a motion to award the Waste Hauling Contracts to Mountain Waste Recycling. Trustee Silverstein seconded the motion and it passed with:

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

**ORDINANCE NO. 6, SERIES OF 2019 – AMENDING CHAPTER 7, ARTICLE 3, OF THE MUNICIPAL CODE RE: GARBAGE AND REFUSE**

Kevin explained that the ordinance will align the Municipal Code with the contract. The single waste hauler change only applies to single and multi-residences with seven units or less. It also allows the Board to establish fees, and allows the Town to collect on past-due bills.

Trustee Bohmfalk left the meeting.

Trustee Kitching made a motion to approve Ordinance No. 6, Series of 2019 – amending Chapter 7, Article 3, of the Municipal Code regarding Garbage and Refuse. Trustee Sparhawk seconded the motion and it passed with:

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

**ROARING FORK SCHOOL PREVENTION SPECIALIST REQUEST FOR FUNDING**

Anna Cole, representing the Roaring Fork School District, was present at the meeting.

Anna came to the March 12<sup>th</sup> Board meeting and asked the Trustees for a letter of support for a grant they are writing to fund a prevention specialist for Bridges HS, Carbondale Middle School and Riverview. At the meeting she explained that due to a staffing shortage, the grant was written toward the end of the grant deadline. They wanted to ask the Town for a \$10,000 match but ran out of time.

At the March 12<sup>th</sup> meeting Jay informed the Board that the Marijuana Fund originally contained \$40,000 but they gave \$30,000 to the Roaring Fork High School Mental Health Counselor. The Board agreed to consider contributing a \$10,000 match at the March 19<sup>th</sup> meeting.

Discussion ensued.

Jay noted that the police chief feels that the RF School District doesn't financially participate at an appropriate level. They only contribute \$17,300 towards the student resource officer.

Jay stated that when the school district was proposing to build Riverview a previous Board objected to its location. He suggested that the \$10,000 should only be used for Bridges HS and Carbondale Middle School.

Trustee Sparhawk stated that she supports giving them \$10,000 because the suppression program team are doing amazing things. They are tackling our goal to eliminate student vaping.

Mayor Richardson stated that it is unusual for the Board to consider funding requests outside of the budget cycle. However, the money is there for a reason and we need to help the kids. It's a good use of leveraging funds.

Trustee Sparhawk suggested adding a condition to the contribution that the money can only be used for Bridges HS, Carbondale Middle School and programs that serve Carbondale residents.


Trustee Sparhawk made a motion approving a \$10,000 contribution to fund a Roaring Fork School Prevention Specialist with the condition that the money may only be used for a prevention specialist at Bridges HS and Carbondale Middle School, and for prevention programs provided to Carbondale residents. Trustee Yllanes seconded the motion and it passed with:

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

### **ADJOURNMENT**

The March 19, 2019, regular meeting adjourned at 8:35 p.m. The next regular meeting will be held on April 9, 2019, at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk

