

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

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

**STUDENT OF THE MONTH**

The following students from Ross Montessori School, Carbondale Community School and Crystal River Elementary School were awarded a Certificate of Achievement from Mayor Richardson:

Angel Vasquez Buenrostro	Alexis Filiss
Zachary Hanrahan	Sylvia Duchscher (not present)
Mason Frisbie	Bella Frisbie

**ROLL CALL:**

The following members were present for roll call:

Mayor	Dan Richardson
Trustees	Erica Sparhawk
	Lani Kitching
	Ben Bohmfalk
	Marty Silverstein
	Luis Yllanes
	Heather Henry

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Town Attorney	Mark Hamilton
Building Official	John Plano

**CONSENT AGENDA**

- Accounts Payable totaling \$149,014.74
- BOT 9/17/2019 Work Session Minutes

- BOT 9/24/2019 Regular Meeting Minutes
- Liquor License Renewal – Cripple Creek Backcountry
- Resolution No. 12, Series of 2019 – Supporting GOCO Grant – Carbondale Arts & RFTA
- Recommendation for Reappointment – Carbondale Public Arts Commission – Carol Klein
- Recommendation for Reappointment – Parks & Recreation Commission – Genevieve Villamizar
- Recommendation for Reappointment – Environmental Board – Patrick Hunter
- Recommendation for Appointment – Bike/Pedestrian/Trails Commission – Michael Gorman
- Purchase of Generator for Crystal Well

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

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

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

Matt Kennedy, Carbondale, stated that he had been at a previous Board meeting where he asked the Trustees to reconsider changing the number of rabbits a household may possess. He is present tonight to ask the Board to reconsider the ordinance; the Board agreed and will schedule it on a future agenda.

#### **TRUSTEE COMMENTS**

Trustee Bohmfalk stated that he attended the Bike/Pedestrian/Trails Commission meeting. They made a recommendation to redirect their budget from lighting, and filling sidewalk gaps to 8<sup>th</sup> Street planning for improvements. Trustee Bohmfalk informed the Board that he is working with Rachel Cooper, a teacher at Roaring Fork High School, to fill the Student Trustee position. Trustee Bohmfalk will draft a job description.

Trustee Kitching stated that she attended the AGNC economic development summit where they discussed the ramifications of FMLD revenue reductions. Also, Coventure made a presentation. Trustee Kitching also attended the Colorado River Conservation Board meeting. They discussed the impacts of a compact call including contingency water storage.

Trustee Yllanes congratulated Wilderness Workshop for their federal court victory concerning the climate impact of oil and gas.

Trustee Silverstein stated that he attended the Carbondale Public Arts Commission meeting. The Best in Show has been chosen. They have a lot of new members, creating more vitality. They have been coordinating more with Carbondale Arts. Trustee Silverstein attended the Tree Board meeting. They now have more members than in recent history. Trustee Silverstein congratulated everyone who helped make Potato Day a great success. There was a great turnout and he is excited that this long standing tradition is continuing.

Trustee Sparhawk stated that she attended the Colorado Communities of Climate Action (CC4CA) Executive Committee meeting. They are transitioning to a new in-house non-profit. The Executive Director Jacob Smit asked if the Board would like a presentation. The Board declined due to the fact that Trustee Sparhawk does an excellent job of keeping them informed of CC4CA's progress.

Trustee Henry stated that she attended the Multi-Jurisdictional Housing Coalition meeting. She stated that the challenge is what 2020 will look like, and what they hope to accomplish. They are working on a 2020 Memorandum of Understanding.

Mayor Richardson stated that he attended a meeting with Sally Clark, the State Director of the USDA Small Development Center. They listened to a presentation on what the USDA offers (i.e. economic development grants, etc.). Mayor Richardson attended the Co-Housing and Finance Authority meeting. Red Hill Lofts were awarded tax credits for their Carbondale housing project. Mayor Richardson attended the Wilderness Workshop's Stand at the Summit event. Mayor Richardson stated that First Friday was a great event and a new mural was unveiled. Mayor Richardson thanked everyone who volunteered for Potato Day. On Sunday Mayor Richardson attended the Carbondale Arts Artway dedication.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

### **PUBLIC HEARING – TRANSFER OF RETAIL MARIJUANA CULTIVATION LICENSE APPLICATION**

Applicant: Happy Farmer, Ltd  
Location: 220 N. 12<sup>th</sup> St., Units A, 2-4

Staff explained that Happy Farmer, Ltd has applied to transfer a retail marijuana cultivation license at 220 N. 12<sup>th</sup> St., Units A 2-4. The applicant/local agent is Brandin Wepsala who resides in Basalt. Staff noted that the previous owner had issues with insufficient electricity but the problem has been resolved.

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

Trustee Sparhawk made a motion to approve Happy Farmer, Ltd's transfer of a retail marijuana cultivation application. Trustee Yllanes seconded the motion and it passed with:

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

#### **SPECIAL EVENT LIQUOR LICENSE – TWO RIVERS UNITARIAN UNIVERSALISTS**

Two Rivers Unitarian Universalists has applied for a Special Event Liquor License for their annual fundraising event to be held at the Third Street Center. The Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve Two Rivers Unitarian Universalists' Special Event Liquor License. Trustee Silverstein seconded the motion and it passed with:

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

#### **SPECIAL EVENT LIQUOR LICENSE – KDNK**

KDNK has applied for a Special Event Liquor License for their annual Halloween party to be held at the Third Street Center. 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 Sparhawk seconded the motion and it passed with:

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

#### **MOTION SUPPORTING LIBRARY DISTRICT MILL LEVY QUESTION**

Todd Anderson attended the September 24<sup>th</sup> Trustee meeting and asked the Board for their endorsement of the Library District mill levy (increase) ballot question. The Board told him that they would consider the endorsement at their October 8<sup>th</sup> meeting. Todd stated that it would speak volumes if the Board would support the mill levy increase. The revenue would replace down-graded services including hours and staffing. Trustee Henry asked if the increase would be a sustainable level; Todd answered yes. The Board stated that the library is a critical component of the community and they endorsed the Library District mill levy ballot question.

#### **YOUTHZONE REQUEST FOR CAPITAL CONTRIBUTION**

YouthZone Executive Director Laurie Mueller was present at the meeting. Laurie explained that they purchased a building in Glenwood Springs and then underwent a

capital fundraiser with a goal of raising \$2 million. They are close to their target and they are asking the Town of Carbondale for a \$5,000 contribution. The Board acknowledged that YouthZone provides invaluable services to the youth of Carbondale.

Trustee Silverstein made a motion to approve a \$5,000 contribution (from the 2019 budget) to YouthZone's capital campaign. Trustee Bohmfalk seconded the motion and it passed with:

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

### **WECYCLE UPDATE**

Mayor Richardson stated that \$3,000 has been allocated in the 2020 draft budget for WeCycle analysis/planning. RFTA has been questioning how to approach the last mile (last mile before a bus stop). It's agreed that mobility will benefit from thoughtful planning. Mirte Mallory, WeCycle Executive Director, informed the Board that they are looking at equitable solutions, technology, location of stations, demand, and the planning is taking longer than expected. As a result, WeCycle will not be launching in Carbondale in 2020.

### **CORE – NET ZERO ENERGY DISCUSSION**

Katharine Rushton (GCE), Phi Filerman (CORE), and Jeff Dickinson (Biospaces, Inc.) were present at the meeting. They gave a presentation on their report "Net Zero for New Construction." They noted that significant action, on an accelerated timeline, must take place in order to arrive at the Town's net zero goal. To achieve net zero municipalities must adopt stricter residential building energy codes. A key strategy is to produce highly efficient homes and the focus should be on new construction. They stated that there is a perception that efficient homes are extremely expensive to build but in reality the cost differential is approximately \$5,000. To be successful we need district strategies in place, pilot projects and training. It is believed that Aspen/Pitkin County will drive the local industry and they are increasing their energy standards. The Board supports the Table of Recommendations on page 12 of the report.

### **ORDINANCE NO. 15, SERIES OF 2019 – CORE – PROPOSED CHANGES TO THE RESIDENTIAL EFFICIENT BUILDING PROGRAM (REBP)**

Katharine Rushton (GCE), Phi Filerman (CORE), and Jeff Dickinson (Biospaces, Inc.) were present at the meeting. They have been working on changes to the REBP (the last version was adopted in 2011) in order to meet the Town's goal of being carbon neutral by 2050.

Two of the residential building changes include new requirements for renewables (solar) and lowering HERS (tiered) requirements. HERS will not be required for homes under

2,000 square feet. Also, mandatory training for all builder is being recommended. The Board asked building official John Plano for his opinion on the changes. John stated that it is extremely hard to achieve a 45 HERS rating without adding solar.

Mayor Richardson opened the meeting to public comment.

Richard Stump stated that he didn't know about the proposed changes. He offered the following opinions: the HERS and solar requirements are excessive, the on-site solar and renewable resources off-grid are redundant, solar is still dependent on the grid unless you have storage and the grid is not a storage system, there will be a substantial increase in building costs, the changes take five steps beyond what the Code requires - maybe shoot for a HERS of 55 not 45.

The Board agreed to not take action on Ordinance 15 at this time as they would like more information on the following:

- How to address projects in the pipeline
- Is 45 the right HERS for tier #1
- How do the requirements apply to multi-family units
- Will there be rebates and incentives
- The cost of building a home is already exorbitant adding more costs is disturbing even if the energy savings pays for itself

The Board agreed to continue the discussion at a future meeting.

### **2020 BUDGET**

Rena explained that there is a legal requirement to present the budget before October 15<sup>th</sup>. The projected ending fund balance for 2019 is \$621,365 and has been spent down to \$358,926. There is an offset of building fees that have been paid this year but the work will be done next year. September sales tax revenue is up 8%, year-to-date sales tax revenue is up 5.1%, lodging revenue is up 2.8%, bag fee revenue is up 3.5%. Sales tax revenue is holding at 5% with three months left to go in the year. It is anticipated that the trash fund will have a deficit for two years.

The Board requested that the housing fund accounts be broken out.

### **EXECUTIVE SESSION**

At 9:15 p.m. Trustee Silverstein made a motion to go into an Executive Session for the purpose of discussing 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 Bohmfalk seconded the motion and it passed with:

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

At 9:30 p.m. Trustee Bohmfalk made a motion to adjourn the Executive Session and return to the regular scheduled meeting. Trustee Henry seconded the motion and it passed with:

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

Trustee Silverstein made a motion to authorize the Mayor to sign a Real Estate Purchase Agreement on the American Tree Property. Trustee Yllanes seconded the motion and it passed with:

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

### **ADJOURNMENT**

The October 8, 2019, regular meeting adjourned at 9:33 p.m. The next scheduled meeting will be held on October 22, 2019, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk