

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

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on November 12, 2019, at 6:00 p.m. in the Town Hall meeting room.

**STUDENT OF THE MONTH**

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

Westin Sherman  
Kaitlyn Chopra

Andrea Romero

**ROLL CALL:**

The following members were present for roll call:

Mayor  
Trustees

Dan Richardson  
Erica Sparhawk  
Lani Kitching  
Ben Bohmfalk  
Luis Yllanes

Arrived After Roll Call

Heather Henry

Absent

Marty Silverstein

Staff Present:

Town Manager  
Town Clerk  
Finance Director  
Town Attorney  
Planning Director  
Public Works Director  
Parks and Recreation Director

Jay Harrington  
Cathy Derby  
Renaë Gustine  
Mark Hamilton  
Janet Buck  
Kevin Schorzman  
Eric Brendlinger

**CONSENT AGENDA**

- Accounts Payable totaling \$370,188.49
- BOT 10/8/19 Regular Meeting Minutes
- BOT 10/15/19 Work Session Minutes
- BOT 10/22/19 Regular Meeting Minutes
- Recommendation for Reappointment – Parks and Recreation Commission
- Professional Service Contract – Aquatics Master Plan
- Contract Letter, Trench Vault and Conduit Agreement – Gateway Park
- Liquor License Renewal – Village Smithy
- Letters of Support – Stepping Stone
- Employee Education Assistance Policy

Trustee Bohmfalk noted that there is an error in the Aquatics Master Plan Contract.

Trustee Bohmfalk made a motion to approve the Consent Agenda with a correction to the Aquatics Master Plan Contract. Trustee Sparhawk seconded the motion and it passed with:

*5 yes votes: Richardson, Bohmfalk, Sparhawk, Kitching, Yllanes*

Trustee Henry arrived at the meeting.

**PERSONS PRESENT NOT ON THE AGENDA**

The editors of the RF Rampage told the Board that the newspaper is \$800 in debt to the Sopris Sun and by the end of the year they will owe them \$3,000. They didn't submit a community grant by the deadline because they were lacking the required financial information. They asked the Board if they would let them submit the grant or would they provide funding. Mayor Richardson stated that this is an unusual request and we do not have a process for it. Mayor Richardson asked the editors to call him or Jay to discuss the matter.

Bridget Callais and Hoyt Ledet, Garfield Ave., informed the Board that sewage had backed up in to their basement twice this year. They incurred \$20,000 in damages and they are concerned about their health and the health of the other members of the condominium complex. They asked the Board if the Town has a plan to prevent the backup from happening again. Their insurance carrier covered the first incident but not the second. They were told that the Town has governmental immunity and they believe it is disgraceful that the Town is hiding behind its governmental immunity. Jay replied that the Town has been doing regular sewer line cleaning and inspections. The Utility Department installed a monitor in the manhole which operates 24 hours a day, seven days a week. Trustee Sparhawk asked if the Town has done educational outreach. Jay responded yes, with residents and restaurants.

### **TRUSTEE COMMENTS**

Trustee Bohmfalk informed the Board that he is taking Trustee Kitching's place on the Garfield Clean Energy Board. Trustee Kitching has agreed to be the alternate.

Trustee Kitching informed the Board that Senior Services Day is November 14<sup>th</sup>. The program provides assistance to seniors at the Crystal Meadows senior housing complex.

Mayor Richardson told the Board that he attended the October RFTA Board meeting. They discussed the Elected Officials Transportation Committee's six different approaches to mobility.

Mayor Richardson stated that he missed the last Board meeting because he attended a German Marshall Fund meeting. He spoke to the group about regional transportation.

Mayor Richardson thanked all of the First Friday volunteers. He also congratulated 1<sup>st</sup> Bank on their grand opening.

### **ATTORNEY'S COMMENTS**

The attorney did not have any comments.

### **PUBLIC HEARING – ORDINANCE NO. 15, SERIES OF 2019 – THOMPSON PARK SUBDIVISION PLAT – PARCEL 2**

Applicant: Thompson Park, LLC

Location: Parcel 2, Thompson Park

Janet explained that this is an application for a combined Preliminary and Final Plat for Parcel 2 of the Thompson Park Subdivision. The Planning Commission reviewed this application at its October 24, 2019 meeting and recommended approval.

In April of 2018, the Planning Commission reviewed a Major Site Plan application for this parcel. The Board then approved the application as well as a Development Improvements Agreement to allow construction to proceed on Parcel 2.

This approval allowed the construction of 27 dwelling units. The site configuration is: two duplexes, two triplexes, three fourplexes and one five plex. Five of the units would be affordable housing units.

Since that time, the majority of the public improvements have been constructed. In addition, building permits have been issued for the two duplexes and the two triplexes.

This application is simply subdividing the units into 24 individual lots. There are no changes to the site plan or building elevations approved through the Major Site Plan Review process.

The Town Attorney and Town Staff reviewed the subdivision plat and covenants. They are generally acceptable but some revisions will need to be made. Staff has included a condition that the final plat and covenants be reviewed and approved by Town Staff prior to recordation.

The subdivision plat is in compliance with the UDC. The one item which needs to be acknowledged is the use of easements to access lots. This has been documented in the final approval documents.

A housing mitigation plan was approved by the Board in 2018.

The application included Design Guidelines. The guidelines appear to be thorough. Staff had requested some changes clarifying future improvements on the lots and that was done.

Janet recommend approval of the proposed application as it is in compliance with the Subdivision Conceptual Plan and Major Site Plan Review in 2018.

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

Trustee Bohmfalk moved to approve Ordinance No. 15, Series of 2019, with the Conditions of Approval listed below, approving the combined Preliminary/Final Subdivision Plat for Parcel 2 of the Thompson Park Subdivision, including the use of an easement to access the lots along Lewie's Circle and Jewel's Court. Trustee Yllanes seconded the motion and it passed with:

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

#### CONDITIONS OF APPROVAL

1. The Subdivision Plat shall be reviewed and approved by the Town prior to recordation of the Plat.
2. The covenants shall be reviewed and approved by the Town prior to recordation of the Plat.
3. The deed restrictions for the affordable housing units shall be reviewed and approved by the Town at the time of condominiumization.

4. The title commitment shall be reviewed and approved by the Town prior to recordation of the Plat.
5. The following Fire District Fees shall be paid to the Fire District prior to recordation of the Subdivision Plat:

$$27 \text{ units} \times \$730 = \$19,710$$

6. The following School District Fees shall be paid to the School District prior to recordation of the Subdivision Plat:

22 3-bedroom units	x \$1104 =	\$24,288
4 2-bedroom units	x 378 =	1,512
1 1-bedroom unit	x 131 =	131

Total School District Fees	\$25,931
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7. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
8. The Applicant shall pay and reimburse the town for all other applicable professional and Staff fees pursuant to the Carbondale Municipal Code.

**PUBLIC HEARING – LIQUOR LICENSE TRANSFER – MI CASITA**

Applicant: Bordertown, LLC

Location: 580 Main Street, Suite 100

Staff explained that Mi Casita was sold to Hogan Hoeffner in March but he did not apply for a transfer of a liquor license until October 1, 2019. All fees have been paid and the application has been deemed complete. The police chief recommended approval of the application.

Mayor Richardson asked Hogan if he familiar with Colorado's liquor laws; he is.

Mayor Richardson opened the public hearing. 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 Mi Casita's liquor license transfer application. Trustee Henry seconded the motion and it passed with:

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

### **CARBONDALE HOMELESS ASSISTANCE PROGRAM UPDATE**

Lynn Kirchner, representing the Carbondale Homeless Assistances (CHA) program, explained that CHA was formed to help the homeless and people who are close to being homeless. The most sought after commodity has to do with hygiene. Since its inception four years ago CHA has provided over 528 showers. CHA is requesting the Town contribute \$1,500 worth of recreation passes and memberships so people can use the shower. Lynn pointed out that CHA is not a non-profit and therefore they could not apply for a community grant.

The Board agreed that CHA provides an extremely useful community service. Trustee Henry suggested the recipients of passes could perform community service in exchange for the passes (hours for showers). Jay stated that supervising the volunteers would be an issue. Lynn replied that CHA wants to keep things simple.

The Board directed staff to earmark \$1,500 for CHA in the 2020 budget.

### **TOWN CENTER RELOCATION OF RESTRICTIVE COVENANT**

Janet explained that Randy Metz of Park & Metz, who represents Pickwick Holdings, submitted a letter requesting that the Declaration of Restrictive Covenant which presently burdens Parcel 1 of the American Tree and Cement (AT&C) Subdivision Exemption be relocated to Lots 1, 9 and 10 of the Town Center Subdivision.

The AT&C Parcel is the vacant land located at the northeast corner of 4<sup>th</sup> Street and Colorado Avenue. Lots 1, 9 and 10 are on the south side of Colorado near 6<sup>th</sup> Street.

The covenant was placed on the AT&C Parcel to secure the Town Center's obligation to provide deed-restricted affordable housing units for the Town Center Subdivision.

The Town Center SIA states that at any time, at the property owner's request, the Town agrees that it will release the Covenant on the AT&C Parcel provided that at the same time, the property owner imposes the same covenant on undeveloped lots within the Town Center Subdivision.

Staff checked to determine whether Lots 1, 9 and 10 are sufficient in size to house 20% of the total units as affordable housing units. Janet used the Clarion modeling and made some assumptions to roughly determine how many residential units could be developed on the entire Town Center Subdivision property and how many could be on Lots 1, 9 and 10. They could support those units.

Relocating the Covenant does not affect other properties in the Town Center Subdivision which are owned by Thunder River Theatre, the Homeowner's Association, and Morningwood, LLC.

Staff recommended approval of the Agreement to Relocate the Restrictive Covenant.

Trustee Kitching made a motion to approve the Town Center Agreement to Relocate the Restrictive Covenant. Trustee Bohmfalk seconded the motion and it passed with:

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

### **REQUEST TO RELEASE WATER RIGHTS ESCROW – BALENTINE**

Jay explained that on March 24, 2009, Balentine Carbondale Holdings, LLC and the Town entered into a water rights fee escrow agreement. The purpose of the agreement was to place \$9,000 in escrow until such time that the Town determined if Balentine Holdings was to either pay the fee for water rights or if the fee was not required based upon determination by the Town.

It appears that no determination was made since the agreement was entered into and recently Mr. Balentine made a request to the Town to release the escrow agreement. Staff conducted research into the issue and made a determination that Balentine Carbondale Holdings, LLC was not required to pay water right fees as a certain amount of water rights were originally allocated to the Kay PUD when it was first established. New development within the Kay PUD may be assessed water rights fees as required based upon the type and size of the development.

Staff recommends that the Board approve the release of the water rights escrow.

Trustee Bohmfalk made a motion to approve the release of the water rights escrow for Balentine Carbondale Holdings, LLC. Trustee Sparhawk seconded the motion and it passed with:

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

### **CAPITAL IMPROVEMENTS 5 YEAR PLAN**

Kevin and Eric presented the Capital Improvements 5 Year Plan. The key improvements that are proposed include:

#### **2020 TRANSPORTATION**

- Crossing Improvements – Hendrick Drive/Westridge Court intersection \$50,000
- 8<sup>th</sup> St. Multi-Modal Improvements \$90,000
- Concrete Street Maintenance \$40,000
- Drainage Improvements Throughout Town \$55,000
- Street Light Replacement \$25,000
- Hendrick Drive Sidewalk \$50,000
- Parking Improvements on 4<sup>th</sup> Street \$60,000

- Red Hill Parking Lot \$50,000

Kevin noted that a few of these projects were scheduled for 2019 but they were not completed. Trustee Bohmfalk asked if they were postponed due to a staffing shortage. Kevin answered that the weather was uncooperative in the spring and that the Streets Department wasn't fully staffed until June.

#### 2020 PARKS AND OPEN SPACE

- Aquatics Master Plan \$75,000 grant funded
- Nuche Parking Improvements \$10,000
- Gateway RV Park Improvements Roof \$7,000; Updating Electrical \$105,000 over three years; Equipment \$35,000 over three years
- VFD Pump for Hendricks Irrigation System \$30,000

#### 2021 – 2024 TRANSPORTATION

- 8<sup>th</sup> Street Multi-Modal Improvements – placeholder \$750,000 (\$250,000 per year)
- Village Road Mill & Overlay \$210,000
- Industry Way Extension to 8<sup>th</sup> Street \$1,500,000 funded by the Town, developer funds and potential grants
- Construct Roundabout State Highway 133/Industry Way \$2,500,000 funded by the Town, developer funds and potential grants
- Downtown Surface Parking \$400,000 (\$200,000 per year)

#### 2021-2024 PARKS AND OPEN SPACE

- Renovate Pool and Bath House \$6,000,000 funding source to be determined
- Park Improvements – Bonnie Fisher \$35,000 Town funding and grant; Thompson Park \$25,000 potential FMLD mini grant; Gateway Park Irrigation \$60,000
- Wheelchair access in Playgrounds \$25,000 potential mini grant
- Lighting – Skateboard and Pickle Ball Parks \$220,000 Town/Grant funding

#### PLASTICS STRATEGY

Jay explained that at a previous Board meeting the Trustees had a discussion on plastic reduction efforts and strategies. The Board expressed the desire to hire a consultant to assist in developing a comprehensive plastic reduction strategy for the Town.

LBA Associates provided a three-step approach to developing a plastics strategy at a cost of \$14,620. The draft 2020 budget has \$5,000 in the Bag Fee Fund for this type of project and \$15,000 in the budget for PR consulting services. Jay stated that the Board may want to consider increasing the consulting budget to undertake this project,



Discussion ensued.

Trustee Bohmfalk noted that it appears that LBA's contract doesn't include outreach and it's imperative that this project have robust outreach. He would also like a spreadsheet of options at the decision point. The Board would like data from the entire town, not just from Mountain Waste, as proposed by LBA.

Jay suggested increasing the overall PR budget to \$25,000 and put \$15,000 in the 2020 budget to hire LBA Associates; the Board concurred.


### **LETTERS OF SUPPORT – WESTERN LEADERS NETWORK**

The Board authorized the Mayor to sign the letters of support for Western Leaders Network.

### **ADJOURNMENT**

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

APPROVED AND ACCEPTED

  
\_\_\_\_\_  
Dan Richardson, Mayor

ATTEST:

  
\_\_\_\_\_  
Cathy Derby, Town Clerk

