

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
NOVEMBER 26 2019**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on November 26, 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	Marty Silverstein
	Lani Kitching
	Ben Bohmfalk
	Erica Sparhawk
	Luis Yllanes

Absent	Heather Henry
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Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Town Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman

CONSENT AGENDA

- Accounts Payable totaling: \$290,781.00
- BOT 11/12/19 Regular Meeting Minutes
- BOT 11/19/19 Work Session Minutes
- Recommendation for Appointments – Carbondale Public Arts Commission
- Liquor License Renewal – The Goat
- Liquor License Renewal – American Legion
- Liquor License Renewal – The Cowen Center
- Tastings Permit – Main Street Wine & Spirits
- CMED – Medical Marijuana Cultivation License Renewal
- CMED – Retail Marijuana Cultivation License Renewal
- CMED – Retail Marijuana Store Renewal
- CMED – Medical Marijuana Dispensary Renewal
- Lassiter Electric Company Contract

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

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

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 Carbondale Age Friendly Community Initiative (CAFCI) assembly where AARP designated Carbondale an Age Friendly Community. There were over 150 multi-generational attendees. He noted that Carbondale is very accepting of aging people who are staying in the community.

Mayor Richardson congratulated CAFCI, it's a great example of a grassroots effort.

Mayor Richardson told the Board that he attended the RFTA meeting where they discussed the budget. They also discussed providing Riverview Elementary School with pedestrian access. He congratulated the Roaring Fork High School Boy Soccer team for going to the state finals. Mayor Richardson stated that he unfortunately missed the meet and greet for CMC's new Assistant Dean Steve Skadron.

ATTORNEY'S COMMENTS

The attorney informed the Board that Jay's son Frankie was named to the All State Second Team.

SPECIAL EVENT LIQUOR LICENSE – THE CARBONDALE CLAY CENTER

The Carbondale Clay Center has applied for a Special Event Liquor License for an event to be held at Coventure. The Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve the Carbondale Clay Center's Special Event Liquor License. Trustee Silverstein seconded the motion and it passed with:

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

SPECIAL EVENT LIQUOR LICENSE – UNITARIAN UNIVERSALISTS

Unitarian Universalists have applied for a Special Event Liquor License for an 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 the Unitarian Universalists' Special Event Liquor License. Trustee Yllanes seconded the motion and it passed with:

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

ACCEPTANCE OF PUBLIC IMPROVEMENTS – 1ST BANK

Kevin explained that the public improvements for the 1st Bank project include water lines, roads, sewer lines, small utility trenches, etc. The Subdivision Improvement Agreement (SIA) between the Town and Crystal River Marketplace, LLC (the contractor) was originally secured by a \$247,298.70 Letter of Credit (LOC). Over the course of this year the LOC has been reduced as work has been completed. The current LOC balance is \$29,622.99. The SIA lists the items necessary to be completed prior to the Town's final acceptance of the required public improvements. They include:

- The developer's engineer shall provide a certification that all public improvements have been completed as to the approved designs
- The developer's engineer provides all required as-builts in both survey and GIS format
- The developer's engineer requests formal acceptance of the improvements within SH-133 ROW from CDOT
- The Town provides the developer's engineer with a list of any items requiring correction or completion, and that those items be corrected

The Town has received a certification from Crystal River Marketplace's engineers that they witnessed all of the improvements and the construction was completed in accordance with the plans and specifications.

Staff is recommending that the sewer line that serves 1st Bank be videoed again prior to any work that would place permanent infrastructure on top of it.

Staff recommends the Board accept the public improvements.

Trustee Silverstein made a motion to accept the public improvements, with a warranty start date of November 27, 2019, related to the Carbondale Marketplace, Lot 5B project, except the project landscaping improvements with the condition that the sewer line will be videoed and repaired if necessary prior to releasing the final security for the project. Trustee Bohmfalk seconded the motion and it passed with:

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

PURCHASE AND SALE AGREEMENT BETWEEN CARBONDALE SOLAR, LLC AND THE TOWN OF CARBONDALE

Jay explained that the Town entered into a Solar Power Services Agreement with Carbondale Solar, LLC for three solar arrays in September 2013. The solar systems

came on-line in December 2013 and the contract included a six year early buy-out option. The Board discussed the buy-out on September 24, 2019 and they directed staff to finalize documents to exercise the early buy-out option.

The Third Street Center, where one of the solar arrays is located, will purchase the power produced by the Town-owned solar system.

Trustee Bohmfalk made a motion to approve the purchase and sale agreement between the Town of Carbondale and Carbondale Solar, LLC and to authorize the Town Attorney to complete the assignment of the Xcel contracts to the Town of Carbondale and the Mayor to sign the necessary assignment agreements. Trustee Sparhawk seconded the motion and it passed with:

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

BUDGET REVIEW

Renae explained that the recently updated budget contains all of the changes from the October 8th meeting. The changes include:

- \$7,000 revenue increase to the Conservation Fund
- \$5,000 increase in labor fees for the parks mowing crew
- \$5,000 increase for plastic consultant
- \$2,000 increase for additional sewer back-up insurance
- \$12,000 increase for Whitehill cemetery fence (moved from 2019)
- \$86,836 decrease for Road & Bridge Mill Levy from Garfield County
- \$50,000 decrease for 2020 sales tax projections
- Increase of \$50,000 due to re-evaluated marijuana excise tax numbers
- Increase of \$5,000 for educational expenditures from marijuana excise tax
- \$3,500 increase in expense for amplifying Board Room

Jay noted that the 2020 proposed draft budget is over by \$449,116 from being a balanced budget. However, this year the Town collected \$453,685 in development fees which will be spent next year.

MISCELLANEOUS

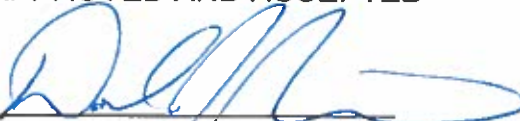
The Board would like to have a work session on Industry Way in 2020.

Jay informed the Board that staff met with the Nieslaniks to discuss Whitehill Road. Whitehill Road is not a public road, it is owned by the Nieslaniks. However, the Town has an easement for cemetery access only. Lately there has been an increase in conflicts on the road. As a result, the Town will be posting a sign stating that it is a private road with cemetery access only. The Sopris Sun will be doing an article on the sign and the issues at hand.

ADJOURNMENT

The November 26, 2019, regular meeting adjourned at 6:55 p.m. The next scheduled meeting will be held on December 10, 2019 at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

