

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
FEBRUARY 25, 2020**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on February 25, 2020, 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
	Heather Henry

Arrived After Roll Call	Luis Yllanes
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Student Trustees	Diego Valdez
	Grace Jardine

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Town Attorney	Mark Hamilton
Finance Director	Renae Gustine
Public Works Director	Kevin Schorzman
Parks & Recreation Director	Eric Brendlinger

CONSENT AGENDA

- Accounts Payable totaling \$340,678.02
- BOT 2/11/2020 Regular Meeting Minutes
- Resolution No, 5, Series of 2020 – Gianinetti Park Playground Equipment FMLD Mini Grant
- Authorization – Fishing is Fun Grant
- Recommendation for Appointment – Parks and Recreation Commission
- Lassiter Electric Contract – Gateway Park Phase II
- Contract for Nettle Creek Water Line Pump Back Study

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

6 yes votes: Richardson, Bohmfalk, Silverstein, Kitching, Henry. Sparhawk

Trustee Yllanes arrived at the meeting.

PERSONS PRESENT NOT ON THE AGENDA

Michael Adams feels that he has been passed around from department to department with his trash complaint. He also feels coerced for having to pay a fee for a service he isn't using which he said amounts to extortion. He asked the Board to please reconsider re-writing the ordinance. Mayor Richardson told Michael he will call him to discuss this matter.

TRUSTEE COMMENTS

Trustee Sparhawk informed the Board that the City of Glenwood Springs is considering joining Colorado Communities for Climate Action. She is meeting with them next week to talk about the organization.

Trustee Silverstein stated that he attended the Senior Matters meeting. They are working on outreach to seniors.

Trustee Henry told the Board that she attended a Manaus work session on people based design around housing solutions. Planners, elected officials, designers, users and financiers were in attendance. She asked Jon Fox Rubin to provide feedback from the meeting at a Trustee work session in April.

Trustee Henry notified the Board that the Environmental Board (Eboard) kicked off their plastics initiative on Monday night. Laurie Batchelder Adams (via phone) and PR Studio participated in the event. Also, an Eboard member gave a presentation on 5G. The takeaway is that they are concerned about safety factors. Mayor Richardson stated that 5G is too big of an issue for Carbondale to take on – it's better to follow someone's lead.

Trustee Kitching stated she attended a Mountain Lion Suppression meeting. The Town's enactment of trash management was very timely. Mountain lions have adapted their behavior due to encroachment of their habitat for recreational use and development. Trustee Kitching also attended the Ruedi Water and Power Authority board meeting. They discussed legislature on integrating land use and water supply planning, allowing the use of augmentation water to supplement in-stream flows and the EPA's repeal of the Waters of US act being signed in to law with the exclusion of ephemeral streams that make up approx. 50% of Colorado's water source.

Finally, Trustee Kitching attended a community meeting on public water management education. Attendees didn't appear concerned about drought or long range climate impacts. Trustee Kitching also announced that the Valley View Hospital Health Fair in Carbondale is on April 10, 2020.

Trustee Bohmfalk told the Board that he recently re-read the Comprehensive Plan and he thinks the Board should discuss it before embarking on the 2023 update. Trustee Bohmfalk asked Jay about the Police Chief search. Jay stated that he and Renae completed the initial screening and have narrowed it down to seven candidates. They will be conducting phone interviews and will narrow it down to 3-4. The candidates will then be invited to Carbondale in mid-March to participate in an assessment center.

Mayor Richardson stated that he attended the RFTA Board meeting. They did the Executive Director's annual evaluation, and signed IGA's for senior programs. The City of Glenwood Springs hopes to buy RFTA's maintenance facility. The Forest Service gave a presentation on a pilot reservation service for Maroon Bells. They also heard from the Covenant Enforcement Committee – RFTA owns a lot of property which they oversee. Mayor Richardson attended Coventure's one year anniversary celebration – they had a good discussion on economic development. Mayor Richardson attended the Regional Mayors Meeting. Mayor Richardson met with Debbie Wilde on the Recovery Continuum idea which was well received. Finally, Mayor Richardson attended a meeting with Roberto Ray of AARP. They discussed how Carbondale Age Friendly Community Initiative and the Town can tap into AARP's resources.

Diego Valdez told the Board that he attended the Climate Change Convention. The big takeaway is we need to restore nature (plant trees, etc.) to slow down climate change.

Grace Justine stated that Roaring Fork (HS) Leadership wants the community to use their room at the high school.

ATTORNEY'S COMMENTS

Mark Hamilton told the Board that in 2006 the Town filed for water rights on the Roaring Fork River. One condition is that the Town has to re-file the application and go back to court every six years. On Friday the Town will be filing an application to continue the water rights for another six years.

SPECIAL EVENT LIQUOR LICENSE – BLUE LAKE PRESCHOOL

Blue Lake Preschool has applied for a Special Event Liquor License for an event to be held at the Orchard. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

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

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

FIRST READING – ORDINANCE NO. 3, SERIES OF 2020 – XCEL FRANCHISE AGREEMENT

Xcel representative Kelly Flenniken was present at the meeting.

Kelly explained that the franchise agreement has a duration of 15 years. At the last meeting the Board asked Kelly how much sales tax revenue the Town receives from Xcel. Kelly said they did a five year analysis and the average annual revenue is \$120,000. The Board also asked if Xcel plans to offer time of use rates. Kelly stated that they have a proposed default rate which will go into effect after the advanced metering is deployed in 2024.

Mayor Richardson told Kelly that a few people have encouraged him to have a franchise audit done by a third party. He asked Kelly if this is common. Kelly replied that she has worked for Xcel for five years and no municipalities have requested an audit.

Trustee Sparhawk made a motion to approve the first reading of Ordinance No. 3, Series of 2020. Trustee Silverstein seconded the motion and it passed with:

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

LETTER OF CREDIT REDUCTION NO. 1 – MAIN STREET MARKETPLACE

Kevin explained that during the fall of 2019, the contractor working for Crystal River Marketplace LLC, installed infrastructure related to the public improvements for Lot 1. There are two letters of credit (LOC) associated with this development. The first LOC in the amount of \$636,208.80 secures the public improvements necessary for the development of Lot 1. The second LOC is for \$100,000 and is intended to ensure restoration of the site as it develops in phases.

The requested reduction of \$396,172.30 is for the LOC securing public improvements. Staff has reviewed the request received from Sopris Engineering as well as the work completed to date, and agrees with the quantities completed. Staff believes that the completion of all incomplete public improvements will remain adequately secured by the remaining security if the Board approves the requested reduction.

The Board did not have any questions.

Trustee Kitching made a motion to approve the partial release of \$396,172.30 of the letter of credit for the public improvements related to the Main Street Marketplace project. Trustee Yllanes seconded the motion and it passed with:

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

LABELING TREE SPECIES

Environmental Board (Eboard), Chair Colin Quinn and Tree Board Chair Dan Bullock were present for the meeting.

Colin explained that the Eboard, with support from the Parks & Recreation Commission and the Tree Board, is proposing a pilot program to label approximately 20-40 trees mostly in Sopris Park. The purpose of the project is to improve ecological education. They are looking at plaques and have agreed that ground plaques or plaques permanently mounted to trees will not be acceptable. The Eboard is requesting \$1,500 from their budget to purchase labels, create an interactive map (app) and materials.

Dan noted that the trees purchased from the Kay Brunier Tree Fund already have plaques because it is a requirement of the Fund.

Trustee Kitching stated that the Crystal River Restoration Project includes labeling trees and she suggested the Eboard contact the Audubon Society as they are in charge of the tree labeling project.

Trustee Yllanes suggested that the ages of the trees be listed.

The Board stated that they support the pilot program.

Mayor Richardson requested that Colin provide a written explanation of how the money will be spent.

RESOLUTION NO. 4, SERIES OF 2020 – THIRD STREET CENTER SEWER LINE IMPROVEMENTS

Colin Laird, Third Street Center Executive Director, told the Board that the main sewer line at the Third Street Center has failed. They are applying for an FMLD grant to help pay for the lining of the cast iron pipes. The Third Street Center is asking the Town for a \$26,654 match.

If they don't repair the sewer lines they will be forced to shut the building.

Trustee Henry asked what will happen if the grant is unsuccessful. Colin answered that they will have to do the repair in phases. The first phase will cost \$50,000.

Jay noted that the Town has not budgeted the money for the repairs, so if the Board agrees to contribute \$26,654 the money will need to come from reserves.

The Board agreed that the Third Street Center is extremely important to the Town.

Trustee Sparhawk made a motion to adopt Resolution No. 4, Series of 2020 supporting town submittal of a GCFMLD traditional grant application and allocating \$26,654 as a cash match to the proposal. Trustee Bohmfalk seconded the motion and it passed by:

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

2020 WEED MANAGEMENT PLAN

Eric explained that the Board adopted an Integrated Weed Management Plan in 2019. The main purpose of the plan is to ensure healthy soils through land management.

Staff has been keeping a log of what methods are and aren't working in killing weeds. Staff has identified weeds growing in town that have the ability to be aggressive noxious perennials with no biological control methods and they have toxic qualities if consumed or handled. Staff is recommending chemical treatment to alleviate these weeds. Because Carbondale pursues an herbicide and pesticide free policy it's necessary to get approval from the Board of Trustees to use chemicals.

Trustee Henry requested that next year's Weed Management Plan include all techniques used (restoration, etc.) for soil management, not just weed eradication.

Trustee Bohmfalk made a motion to approve the 2020 Weed Management Plan (which includes the use of herbicides/pesticides). Trustee Kitching seconded the motion and it passed with:

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

DRAFT RABBIT ORDINANCE

In December the Board discussed changing the number of rabbits a household may possess. Trustee Sparhawk volunteered to draft an ordinance. The ordinance presented tonight is proposing to change the number of rabbits from three to 15-30.

Discussion ensued.

Trustee Bohmfalk asked Trustee Sparhawk how she arrived at the number. She responded that it was arbitrary. Trustee Bohmfalk thinks the number is too high and it should be closer to 10-20; Trustee Silverstein agreed.

Mayor Richardson opened the meeting to public comment.

Brett Meredith stated that he used to raise rabbits for food. It's important to have 30 rabbits when you are raising them for meat. Rabbits can have upwards of 15 kits per liter. The Comprehensive Plan addresses sustainable farming. Brett said the Town of Carbondale wants this.

Russ Criswell asked who does the increase in rabbits benefit? It doesn't benefit the adjacent landowner. He said his property values have dropped significantly. You shouldn't be allowed to have a commercial feed lot in town. You can't get rabbits slaughtered in the valley. It takes over 40 gallons of gas to slaughter 30 rabbits – that is not sustainable. Russ said his neighborhood smells bad, there are dead rabbits in their yard, cars swerve to avoid hitting the rabbits. We don't need rabbits in town.

John Williams said as far as enforcement goes who will count the rabbits. Currently the law is complaint driven and it develops neighborhood strife. He said an ordinance officer should keep track of the number of rabbits someone has. He asked can a homeowner do the slaughtering. He believes the size of the run should determine the number of rabbits someone can own.

Richard Wells said rabbits attract predators and disease. The rabbits keep escaping. It is hard to control the number of rabbits due to the size of their litters and short gestation period. Running a commercial feed lot in town should not be allowed, it is best done outside of town limits.

Matt Kennedy stated that he is not the only person raising rabbits in town. He lodged four complaints on his neighbor's rabbit. It has free range and has had two sets of babies in neighbors yards. Matt said the smell is minimal. He is not trying to cause problems with his neighbors. It's a good project; it's a good example of urban farming. A vet has checked his rabbits and they are not diseased. He believes the number of rabbits should be checked by an ordinance officer. Jay responded that the Town would have to hire another officer.

Trustee Bohmfalk stated he does not like the communal aspect of allowing 60 rabbits, it's excessive. Trustee Silverstein suggested that if someone wants a communal pen they should apply for a special use permit.

Trustee Henry likes the idea of a square footage per rabbit calculation.

Trustee Kitching stated that she doesn't believe that the Comprehensive Plan or the Climate Action Plan endorses owning a large number of rabbits.

Trustee Yllanes stated that increasing the number of rabbits will be an enforcement nightmare and the Colorado Parks and Wildlife comments note that there will be additional problems.

Mayor Richardson stated that he likes the square footage calculation and neighborhood density should also be considered.

Trustee Sparhawk agreed to look at ordinances in municipalities that use square footage to determine the number of rabbits a household may own.

NEPA ROLLBACK LETTER

The Board discussed the letter Wilderness Workshop wrote to the Council on Environmental Quality on the Town's behalf. The letter addresses the proposal to amend regulations implementing the National Environmental Policy Act.

Discussion ensued.

Trustee Henry stated she would like the following change to be made to the letter: add a sentence that states the Town wants to preserve its ability to participate as an interested party.

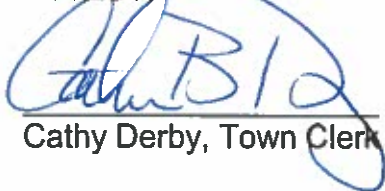
ADJOURNMENT

The February 25, 2020, regular meeting adjourned at 9:10 p.m. The next regularly scheduled meeting will be held on March 10, at 6:00 p.m.

APPROVED AND ACCEPTED


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk