

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
APRIL 28, 2020  
VIRTUAL MEETING VIA ZOOM**

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on April 28, 2020, at 6:00 p.m.

**ROLL CALL:**

The following members were present for roll call:

|                 |                   |
|-----------------|-------------------|
| Mayor           | Dan Richardson    |
| Trustees        | Marty Silverstein |
|                 | Ben Bohmfalk      |
|                 | Lani Kitching     |
|                 | Luis Yllanes      |
|                 | Erica Sparhawk    |
|                 | Heather Henry     |
| Student Trustee | Diego Valdez      |
| Absent          | Grace Jardine     |
| Staff Present:  |                   |
| Town Manager    | Jay Harrington    |
| Town Clerk      | Cathy Derby       |
| Town Attorney   | Mark Hamilton     |

**OLD BUSINESS**

**CONSENT AGENDA**

- Accounts Payable totaling \$281,992.87
- BOT 4/14/2020 Regular Meeting Minutes
- Modification of Premises and Revocable License Agreement – Phat Thai Decking
- Transfer of Ownership Retail Marijuana Store, Retail Marijuana Cultivation, Medical Marijuana Dispensary, Medical Marijuana Cultivations – CMED, Renewal of Medical Marijuana Cultivations – CMED, P&C Express and Durango Alternatives
- Liquor License Renewal – The Beat
- Liquor License Renewal – Thunder River Theater
- Intergovernmental Agreement – Garfield County Mosquito Control
- Revolving Loan Fund – Loan Approval and Deferment

At staff's request Mayor Richardson pulled CMED's Marijuana Transfer of Ownership and Renewal Applications from the Consent Agenda for discussion.

Trustee Bohmfalk clarified that chemicals are not used as standard operating procedure in the Garfield County Mosquito Control Contract. Jay added that the contract is an agreement to mainly monitor mosquito movement.

Trustee Bohmfalk made a motion to approve the Consent Agenda (with the exclusion of Item D). Trustee Sparhawk seconded the motion and it passed with:

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

**CMED, LLC'S TRANSFER OF OWNERSHIP OF A RETAIL MARIJUANA STORE, RETAIL MARIJUANA CULTIVATION, MEDICAL MARIJUANA DISPENSARY, MEDICAL MARIJUANA CULTIVATIONS – AND MEDICAL MARIJUANA CULTIVATION RENEWEAL APPLICATIONS FOR P&C EXPRESS AND DURANGO ALTERNATIVES**

CMED employee Andrew Erickson was present for the Zoom meeting.

Staff explained that CMED originally applied to renew P&C Express and Durango Alternative's medical marijuana cultivations licenses. Staff discovered that the local agent listed on the application no longer works for CMED. The clerk instructed the applicant to correct the applications with the new local agent and that a transfer of ownership application must be filed for each of the applications.

The amended applications were deemed complete on April 17, 2020. All legal noticing requirements were met and all legal fees have been paid.

Staff recommends that the Board approve CMED LLC's transfer of ownership and renewal applications.

Andrew Erickson, the new CMED local agent introduced himself.

Trustee Sparhawk made a motion to approve CMED's transfer of ownership of a retail marijuana store, retail marijuana cultivation, medical marijuana dispensary, medical marijuana cultivations and P&C and Durango Alternatives' medical marijuana cultivation renewal applications. Trustee Yllanes seconded the motion and it passed with:

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

**PERSONS PRESENT NOT ON THE AGENDA**

There was no one present who wished to address the Board

### **TRUSTEE COMMENTS**

Trustee Silverstein thanked Trustee Kitching for her idea of changing the Revolving Loan Fund to a loan assistance fund to help those businesses affected by COVID-19. Trustee Silverstein stated that Valley Meals has been increasing the number of meals they are delivering to seniors.

Trustee Henry reminded everyone that First Friday is happening virtually and Thunder River Theater will hold a performance virtually.

Mayor Richardson informed the Board that he will be reading the Pride Proclamation outside of Town Hall on First Friday. Also, the Pride flag will be hung in front of Town Hall. Mayor Richardson thanked parks and utilities staff for clearing the ditches, mowing the grass, the recreation department staff for manning the COVID-19 Hotline, and town staff for being flexible with their schedules during the pandemic.

Mayor Richardson stated that tomorrow RFTA will hold an emergency meeting to institute guidelines to implement more bus service in the future. He noted that the Governor has released a new "Safer at Home" health order. Garfield County has more specific guidelines as to how businesses can reopen. They are hoping to be able to relieve some standards and transition back to business. Some people are more susceptible to COVID so it's extremely important to practice good hygiene and wear face masks in order to protect the vulnerable population.

Trustee Silverstein acknowledged a local business owner who donated food to the police and fire departments and parks and utilities staff – it is greatly appreciated. Trustee Silverstein encouraged everyone to shop locally.

### **ATTORNEY COMMENTS**

Mark Hamilton informed the Board that the high school band Sleepy Justice will be performing virtually on First Friday.

### **NEW BUSINESS**

### **SWEARING IN OF TRUSTEES SILVERSTEIN, BOHMFALK AND KITCHING**

Cathy swore in re-elected Trustees Silverstein, Bohmfalk and Kitching to four-year terms.

Trustee Silverstein noted that he has been the Mayor Pro Tem for the past two years and it is time to appoint someone else. Mayor Richardson stated that the appointment will be scheduled on the May 12<sup>th</sup> agenda.

### **ARBOR DAY PROCLAMATION**

Mayor Richardson read a proclamation acknowledging Arbor Day.

**PUBLIC HEARING – PLUM MANUFACTURING, LLC TRANSFER OF A RETAIL AND MEDICAL MARIJUANA INFUSED PRODUCTS (MIPS) LICENSE APPLICATIONS**

Applicant: Plum Manufacturing, LLC

Location: 500 Buggy Circle, LL3 and LL4, UL 2 and UL 3

Applicant Renee Grossman was present for the Zoom meeting.

Cathy noted that the previous owner, Laughing Dog, LLC, had experienced several odor issues and that the problem has been mitigated.

Cathy stated that staff believes that this is a very positive business transfer. Renee owns several successful marijuana establishments and she is a very savvy business woman. If approved, Renee will be the local agent. Renee has hired a team with previous experience to run the MIPS. Staff recommends approval of the MIPS transfers.

Renee stated that she is happy to be taking over the facility and is looking forward to getting started. The product will be grown using an organic method.

Trustee Silverstein stated that he was outside the High Q Carbondale retail marijuana store on April 20<sup>th</sup> and he was impressed with the social distancing they practiced.

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

Trustee Sparhawk made a motion to approve Plum Manufacturing, LLC's transfer of Retail and Medical Marijuana Infused Products License Applications. Trustee Bohmfalk seconded the motion and it passed with:

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

**PLASTICS UPDATE**

Consultants Laurie Batchelder Adams, Alicia Archibald and Bryana Starbuck were present for the discussion via Zoom.

In January 2020 the Board of Trustees hired LBA Associates (trash consultant) and PR Studio (marketing/public relations consultant) to research and conduct outreach on ways the Town could reduce/eliminate the use of Single Use Plastics (SUPs) in Carbondale. Laurie gave a PowerPoint presentation on LBA's research.

Key points from LBA's presentation include:

- Possible Strategy Mechanisms (charge for single use plastics, switch to recyclables compostables or reusables) and a phased approach
- The businesses that could be impacted by regulations (retail stores, restaurants)
- The costs involved with switching from SUPs
- What other municipalities are doing to combat SUPs

- Government regulations on Plastic/SUPs
- The role the Town can play in reducing SUPs

Discussion ensued.

Trustee Bohmfalk asked Laurie what are the main sources of SUPs in town. She replied that the primary source is grocery stores. Trustee Bohmfalk asked for data so we can target establishments accordingly.

Trustee Silverstein prefers that SUP restrictions be town-wide.

Trustee Henry stated that she would like to carefully look at the examples of what other municipalities have done. She appreciates the phased approach that most towns/cities have taken. She thinks the Board should start thinking about a stepping stone approach. She noted that the Environmental Board did a lot of research on what types of plastics restaurants are using. We could use the research as a baseline.

Bryana stated that PR Studios launched the plastics outreach on March 6<sup>th</sup>. There was a lot of community support for reducing plastics beyond the plastic bag ban. Then the COVID-19 pandemic struck and restaurants/businesses closed. Outreach has been put on hold and she believes the Town needs to be sensitive to business owners as their primary focus is now on how to survive. Plastics are not their concern right now. She asked what are the Town's priorities right now?

Mayor Richardson answered that he believes now is not the time to discuss specific direction for the plastic reduction effort and the discussion should be continued when it's appropriate. Trustee Yllanes agreed. The impacts of COVID-19 will be extremely hard on businesses and consumers. Laurie stated that she too supports putting the effort on hold.

Trustee Bohmfalk stated that now may be the time to research what other municipalities are doing. Trustee Henry stated that it is important to continue to challenge ourselves; how do we come out of this more resilient. We can't allow COVID-19 to push us backwards.

Trustee Sparhawk asked do we need a policy or can we get businesses to reduce plastics voluntarily in the future.

It was suggested that the Town may be able to move forward with some of the times even during the pandemic including installing public hydration stations, providing more recycling, etc.

The Board agreed to revisit plastics at the end of the summer.

### **COVID-19 UPDATE**

Jay informed the Board that it seems that COVID-19 policy changes on an hourly basis.

Some of the key points of the discussion include:

- The Town sent out via the Express Pay system the Governor's order for "Safer at Home"
- The County has created an application for businesses who want to reopen. A business must submit a safety plan and if it's approved the business can reopen
- The gatherings of no more than ten people order is still in effect
- The town playgrounds, RV park, recreation center and pool remain closed
- Staff is working on providing showers one or two days a week to the homeless population – probably at the RV Park
- A yard waste dumpster which was supposed to be placed behind Town Hall last Monday has been delayed because the landfill has limited access – curbside pickup is very challenging
- The Town is being aggressive with its capital projects (chip/crack and seal, etc.); the pricing we are getting is 20-30% lower than last year
- Staff doesn't know if the Farmer's Market will be operational
- Everyone is wondering what special events will look in the future
- We don't have a specific date when the Red Hill Construction will begin
- Staff is coordinating with other towns on when to open the parks, tennis courts, skateboard parks, etc. – people are anxious to have them open, the horseshoe pits are open but people need to bring their own equipment
- The Town will not open public restrooms at this time
- More detailed child care guidelines should be released soon – staff is not sure if private summer camps will be permitted
- Staff will schedule a discussion on Town finances in May – sales tax revenue for March is positive - grocery, liquor and marijuana stores have very strong revenues
- The Town is following the County's guidelines for wearing face masks – the County Health Department should be the one directing the mandate, not the Town

### **POLICE CHIEF APPOINTMENT**

Jay informed the Board that he made Kirk Wilson a conditional offer for the Chief of Police position which Kirk accepted. Kirk has undergone extensive background checks. Kirk will start June 1<sup>st</sup> and he will overlap/train with Gene until September when Gene retires.

Kirk, who joined the Board via Zoom, stated that it's an incredible opportunity and he is very excited about his new position. He and his family are hoping to move closer to Carbondale. Mayor Richardson asked Kirk what he thinks the steepest learning curve will be. Kirk responded getting familiar with the new community and establishing relationships.

Trustee Sparhawk made a motion to approve the appointment of Kirk Wilson as Carbondale Police Chief. Trustee Silverstein seconded the motion and it passed with:

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

**ADJOURNMENT**

The April 28, 2020, regular meeting adjourned at 8:15 p.m. The next regularly scheduled meeting will be held virtually on May 12, 2020, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

