

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

Mayor Dan Richardson called the Board of Trustees virtual Regular Meeting to order on July 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

Absent

Heather Henry

Staff Present:

Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renaë Gustine
Town Attorney	Mark Hamilton

CONSENT AGENDA

- Accounts Payable totaling \$497,263.08
- Board of Trustees 6-30-2020 Special Meeting Minutes
- Ordinance No. 7, Series of 2020 – UDC Amendment – Off-Street Parking Self-Storage Facilities

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

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

PERSONS PRESENT NOT ON THE AGENDA

Colin Quinn, Environmental Board Chair, stated he would like to have a discussion on Town development. The Environmental Board has been focused on its goals

and long term vision. Many people have told him they were surprised by the lumber yard development. He questioned if the Board considers the Climate Action Plan and the Environmental Bill of Rights when they approve development. He asked the Board for advice as to what level should the Environmental Board be involved in development. Colin would like a discussion on community character and small town feel.

Summer Scott, stated that he sent the Board an email expressing his concerns. He is concerned about the lumber yard development, and most people he has talked to didn't even know about it. He feels that the development "slipped under the radar" with the pandemic going on; people are focused on other things. He suggested the Board should start looking at how projects impact our community. He asked the Board to "pause" the lumber yard. Summer said a lot of people are mad about the new City Market.

Mayor Richardson stated that he read Summer's email and he appreciates his interest in the growth of Carbondale. He explained that many of the developments that are now happening were planned (and were approved) a few years ago. But they are all starting to build this summer and it has caught people off guard. The Mayor believes that the Board should have a discussion with the Environmental Board on long-term growth and Environmental Board priorities.

Trustee Bohmfalk stated that unless you know the governmental process you may not know about proposed developments. He stated that the Town needs to have more communication with the public. Mayor Richardson noted that the Board encourages developers to conduct community outreach. Mayor Richardson stated that there was a story in the Sopris Sun concerning the lumber yard.

TRUSTEE COMMENTS

Trustee Kitching informed that Board that Ruedi Water and Power Authority (RWAPA) has increased its invasive species inspections. This year they have found double the amount of mussels compared to 2019. Trustee Kitching attended the Colorado River District meeting where they approved putting a mill levy tax increase question on the November ballot. They are also implementing measures to safeguard western slope water. Trustee Kitching stated that Mountain Fair was highly praised and well organized. Trustee Kitching told the Board that she did a police ride along during Mountain Fair.

Trustee Silverstein also commended Mountain Fair – it was extremely well run and the merchants were happy. He said it was nice to see local vendors. Trustee Silverstein stated that he has signed up for a police ride along. Trustee Silverstein asked if we can use CARES Act funding to replace the money we have lost from the bag fund during the pandemic. Jay answered no, the money cannot be used as a revenue offset.

Trustee Yllanes agreed that Mountain Fair was great. He stated that he believes that there is a need for a stop sign at 2nd and Main Streets. Trustee Yllanes congratulated

the Governor and State of Montana for their lawsuit (Amicus Brief) opposing the appointment of William Perry Pendley as head of the Bureau of Land Management.

Mayor Richardson stated that a citizen had asked him about installing a stop sign at 2nd and Main Street. He talked to Public Works Director Kevin Schorzman and Kevin told him it wasn't a good idea. The Mayor suggested Trustee Yllanes talk to Kevin. Mayor Richardson asked Trustee Yllanes to share any information he has on the Amicus Brief.

Trustee Sparhawk asked if the Board needs a discussion on how to support schools re-opening. For example, can we help telecommuters, can we offer outdoor space for classrooms? Jay responded that the School District is working with a private provider on installing Wi Fi boosters, etc. The Town will work with the District on providing outdoor space. Currently many of the parks are being used by camps, clubs, etc.

Mayor Richardson thanked staff for supporting Jay and Renae while they are out of the office. The Mayor said he too has received many positive comments on Mountain Fair. He stated that the fair was a labor of love for Carbondale Arts. They lost money but they made the effort to have the fair so the community could come together during the pandemic.

ATTORNEY COMMENTS

The attorney did not have any comments.

THIRD STREET CENTER SECOND LOAN DEFERRAL

Jay explained that even though the Town is not responsible for the Third Street Center loan, nor do we have any obligations, we are a signatory and therefore the Board must approve or deny the loan deferral.

Trustee Sparhawk made a motion to approve the Third Street Center Second Loan Deferral. Trustee Yllanes seconded the motion and it passed with:

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

RESOLUTION NO. 7, SERIES OF 2020 – RESOLUTION OF SUBSTANTIAL COMPLIANCE – EASTWOOD 133, LLC ANNEXATION

Janet explained that the Town received a Petition for Annexation for the 2 acre parcel located along the west side of Highway 133, directly north of the Public Service electrical substation.

The property is currently zoned Commercial General in Garfield County. The proposal is to annex the property and rezone the property to Commercial/Retail/Wholesale in order to construct a self-storage facility with a residential unit.

The Town's 2013 Comprehensive Plan shows this property to be located in the Phase 1 Annexation Area. The intent of that area is to promote infill and redevelopment in areas that already function as part of the Town. The Comp Plan goes on to say that infill and redevelopment in these areas would maintain the Town's compact footprint while promoting walking and biking.

The Town Attorney and staff have reviewed the Petition for Annexation and the Annexation Plat and they both appear to be in compliance with the Municipal Annexation Act of 1965.

The Resolution authorizes the commencement of zoning procedures for the property and sets the public hearing dates for the Board to consider the annexation and rezoning.

This is the first step in an annexation process. The next steps would be a public hearing before the Planning Commission for consideration of the Annexation, Zoning, Major Site Plan Review, Vesting and Conditional Use Permit application. This is scheduled for August 13th.

After review, the Planning Commission would make a recommendation to the Board. The Land Use Application would come before the Board in a public hearing for the Board's consideration.

Discussion ensued.

Trustee Silverstein asked if is this the same location as the previous application for a self- storage facility? Janet responded yes.

Trustee Bohmfalk asked if we approve the Resolution it's not pre-supposing we will approve the annexation application. Janet responded yes, the Resolution does not obligate the Town to annex the property.

The Applicant's team introduced themselves and said they look forward to working with the Town.

Trustee Yllanes made a motion to approve Resolution No. 7, Series of 2020. Trustee Silverstein seconded the motion and it passed with:

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

COLORADO COMMUNITIES FOR CLIMATE ACTION (CC4CA) STATEMENT POLICY REVIEW

Trustee Sparhawk explained that CC4CA updates its Policy Statement every year. It's a guiding document for policy, the Legislative Committee and lobbyists. Nothing major has been added or removed. CC4CA is asking its 34 community members to ratify it.

Trustee Yllanes asked if CC4CA has asked about the political stance of any of the State's Candidates. Trustee Sparhawk stated no, but she will inquire whether CC4CA will do so.

Trustee Sparhawk made a motion to approve the Colorado Communities for Climate Action's Policy Statement. Trustee Silverstein seconded the motion and it passed with:

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

RUEDI WATER AND POWER AUTHORITY (RWAPA) BYLAWS

Mark explained that RWAPA is still soliciting comments on the bylaws. RWAPA, a partnership of local governments, was created to represent the water interest of the Roaring Fork Valley governments. It has given the local governments a voice concerning water issues (timing of releases, etc.). Overtime RWAPA's role has grown and they now oversee many water matters including the invasive species program in Ruedi Reservoir, they participated in the Valley Water Conservation Plan, etc. The Bylaws reflect their enhanced scope of work.

Trustee Kitching stated that the purpose of reviewing RWAPA's Policy Statement is it deals with the entire valley watershed.

Discussion ensued.

Mayor Richardson would like to know if the contract water we have in Ruedi Reservoir is being used to its best capacity.

Mark reviewed the changes they are making, or he would like to make, including:

- The Tributary creeks and rivers are not specifically mentioned – the Policy should name the basin as a whole or list each tributary separately
- Previously the Policy prohibited RWAPA from being involved in land use issues – the changes allows involvement in the role of land use issues
- There is antiquated language regarding construction
- The role of the Executive Director needs to be defined – the Executive Director is an independent contractor
- The Financial Agent and Executive Director should be two different people
- It should be noted that RWAPA cannot take on debt
- Members may withdraw from RWAPA immediately with written notice. The prior Policy required a 90 day notice
- The policy doesn't address funding

Mayor Richardson stated that he would like the Colorado River District to give their perspective on the Policy if possible.

Mayor Richardson would like to know the near term and long term financial implications for being a member of RWAPA.

MISCELLANEOUS

Trustee Bohmfalk asked for an update on the Crystal River Restoration Project. Jay stated that Pitkin County contributed \$50,000 and it covers most of the remaining design work. DHM is exploring different grant opportunities. The project received a handicap access grant. The Town is doing the in-river work and the park and upland work. Physical work will not take place until next spring. Staff would like the Weaver Ditch improvements to take place sooner. There is a lot of grant work to do this fall.

Trustee Bohmfalk stated that the Town's finances look surprisingly good considering the pandemic. Jay responded that people are shopping locally and we are not completely tourism dependent. We have not experienced a drop off in utility collection. The Town will soon see a decrease in user fees (Recreation Center, pool).

Mayor Richardson stated that the preliminary budget should allocate money to communication.

Jay thanked the Board for their support these past few weeks.

ADJOURNMENT


The July 28, 2020, regular meeting adjourned at 7:27 p.m. The next regularly scheduled meeting will be held virtually on August 11, 2020, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk