

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
FEBRUARY 14, 2017**

**STUDENT OF THE MONTH**

Students from Carbondale Middle School were in attendance to receive the "Student of the Month" award. The following students were awarded a Certificate of Achievement from Mayor Dan Richardson:

Cesar Torres

Maya Lindgren

**CALL TO ORDER:**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on February 14, 2016 at 6:10 p.m. in the Town Hall meeting room.

**ROLL CALL:**

The following members were present for roll call:

Mayor  
Trustee

Dan Richardson  
Heather Henry  
Ben Bohmfalk  
Katrina Byars  
Marty Silverstein

Absent  
Trustee

Frosty Merriott

Staff Present:

Town Manager  
Town Clerk  
Town Attorney  
Planning Director  
Planner  
Public Works Director

Jay Harrington  
Cathy Derby  
Mark Hamilton  
Janet Buck  
John Leybourne  
Kevin Schorzman

**CONSENT AGENDA**

- Accounts Payable totaling \$309,063.05
- BOT 1/24/17 Regular Meeting Minutes
- Liquor License Renewal & Tasting Renewal - WineTime
- Resolution No. 2, Series of 2017 – FMLD Grant for LED Retrofits

- Chip Seal 2017 Contract
- Crystal River Retail Marijuana Cultivation Renewal Application
- Environmental Board Recommendations for Board Reappointments
- Authorization for Mayor to Sign Senior Programs Contract
- Liquor License Renewal – White House Pizza

### **CONSENT AGENDA**

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

*5 yes votes: Bohmfalk, Silverstein, Richardson, Henry, Byars*

### **TRUSTEE SWEARING IN CEREMONY**

Erica Sparhawk was sworn in as Carbondale Trustee.

### **PERSONS PRESENT NOT ON THE AGENDA**

There was no one present who wished to address the Board.

### **TRUSTEE COMMENTS**

Trustee Silverstein stated that last weekend people marched for and against Planned Parenthood. He stated that there was tolerance for opposing viewpoints. Trustee Silverstein continued that elected officials need to uphold the Constitution and we need to remind elected officials that with rights come responsibilities.

Trustee Byars stated that she wants the Board to work with RFTA to find a solution to provide senior housing with public transportation.

Trustee Bohmfalk informed the Board that he went to the RFTA Board meeting where they are working on the Access Control Plan. He agrees with Trustee Byars that the Board should have a work session on increased mobility (buses).

Trustee Bohmfalk stated that he attended the Bike/Pedestrian/Trails Commission meeting where they discussed the proposed ordinance mandating bicyclists to dismount at the roundabout. They tabled the discussion because they felt that they do not have enough information on the subject.

Mayor Richardson thanked the police for the work they did during the recent school lockdowns. The Mayor stated that the Town takes these kinds of threats seriously and kids' safety is a top priority.

Mayor Richardson thanked everyone who worked on First Friday, it was a great event.

Mayor Richardson stated that he attended Jeff Jackel's retirement party, it was a really nice celebration. He also took a tour of the new Montessori School, participated in a student interview at the Carbondale Community School and he met with the Carbondale Police Department (PD). He stated that he feels good with the approach the PD takes when policing.

### **ATTORNEY'S REPORT**

The attorney informed the Board that the Town of Carbondale/Nieslanik land swap has been completed.

### **PUBLIC HEARING – BLACK DOG, LLC – RETAIL & MEDICAL MARIJUANA CULTIVATION RENEWAL APPLICATIONS**

Since there were no violations or complaints staff recommends approval of the renewal applications.

The applicant Steve Garcia suggested the Board appoint/hire someone to handle the odor mitigation, it would create collaboration amongst the cultivations.

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

Cathy informed the applicant that they must begin cultivation within the year or their licenses will not be renewed next year.

Trustee Byars made a motion to approve the retail and medical marijuana cultivation renewal applications for Black Dog, LLC. Trustee Bohmfalk seconded the motion and it passed with:

*6 yes votes: Richardson, Henry, Bohmfalk, Sparhawk, Silverstein, Byars*

### **PUBLIC HEARING – BLACK DOG, LLC – MEDICAL MARIJUANA DISPENSARY RENEWAL APPLICATION**

Since there were no violations or complaints staff recommends approval of the renewal application.

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

Cathy informed the applicant that they must begin selling medical marijuana within the year or their license will not be renewed next year.

Trustee Byars made a motion to approve the medical marijuana dispensary renewal application for Black Dog, LLC. Trustee Silverstein seconded the motion and it passed with:

*6 yes votes: Henry, Bohmfalk, Sparhawk, Silverstein, Byars, Richardson*

**MODIFICATION OF PREMISES APPLICATIONS – RX GREEN, LLC - RETAIL AND MEDICAL MARIJUANA INFUSED PRODUCTS ESTABLISHMENT**

The staff memo explained that the applicant made some minor changes to their premises prior to receiving permission to do so. Staff recommends approval of the modification of premises applications to make the building compliant.

Trustee Byars made a motion to approve RX Green, LLC's modification of premises applications for their retail and medical marijuana infused products establishment. Trustee Bohmfalk seconded the motion and it passed with:

*6 yes votes: Henry, Bohmfalk, Sparhawk, Silverstein, Byars, Richardson*

**SPECIAL EVENT LIQUOR LICENSE – DUCKS UNLIMITED**

Ducks Unlimited has applied for a Special Event Liquor License for their annual fundraiser 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 Ducks Unlimited Special Event Liquor License Application. Trustee Henry seconded the motion and it passed with:

*6 yes votes: Byars, Merriott, Richardson, Silverstein, Sparhawk, Henry*

**SPECIAL EVENT LIQUOR LICENSE – CARBONDALE ARTS – FASHION SHOW**

Carbondale Arts has applied for a Special Event Liquor License for their annual fashion show fundraiser to be held at the Carbondale Recreation Center. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Byars made a motion to approve Carbondale Arts' Special Event Liquor License Application. Trustee Henry seconded the motion and it passed with:

*6 yes votes: Merriott, Richardson, Silverstein, Sparhawk, Henry, Byars*

**SPACE TO CREATE DISCUSSION**

Carbondale Arts Executive Director Amy Kimberly was present at the meeting.

Amy explained that in 2016 Carbondale was designated as a Creative District. As a result, the Town has been given the opportunity to apply to become a Space to Create. A Space to Create is a state program which facilitates the creation of affordable housing and working spaces for the creative sector. If Carbondale is selected, the Town would need to commit upwards of \$35,000. The Board unanimously supported the opportunity to apply for Space to Create.

**ORDINANCE NO. 3, SERIES OF 2017 – APPROVING THOMPSON PARK PHASE 2 AND SUBDIVISION IMPROVEMENT AGREEMENT**

Janet Buck explained that the Board previously approved the Thompson Park Phase 2 Subdivision Plat Application. The subdivision will consist of sixteen (16) multi-family units including three (3) affordable housing units. Ordinance No. 3 would memorialize approval of the Phase 2 Subdivision Plat and authorizes recordation of the plat. Staff recommends approval of Ordinance No. 3, Series of 2017.

Attorney David McConaughy, representing the applicant, asked the Board to consider removing the clause stating that the Town shall be awarded court costs in any action to enforce the Agreement or any associated ordinances or approvals against the Developer. The Board stated that they are not willing to delete the clause because it is in the previous development agreements and they want to be consistent.

Trustee Byars made a motion to approve Ordinance No. 3, Series of 2017 approving the Thompson Park Subdivision Phase 2 and Phase 2 Subdivision Improvements Agreement. Trustee Silverstein seconded the motion and it passed with:

*6 yes votes: Byars, Richardson, Silverstein, Sparhawk, Henry, Bohmfalk*

**RESOLUTION NO. 3, SERIES OF 2017 – APPROVING PETITION FOR ANNEXATION**

John Leybourne explained that the Town has received a Petition for Annexation. Per State statutes the Board must determine if the petition is in compliance with the Municipal Annexation Act of 1965. If the petition is deemed complete then the Board must schedule a public hearing to determine if the proposed annexation is eligible for annexation.

Trustee Byars made a motion to approve Resolution No. 3, Series of 2017, establishing a date, time, and place for a public hearing to determine compliance with State statutes concerning an annexation petition submitted to the Town. Trustee Silverstein seconded the motion and it passed with:

*6 yes votes: Henry, Silverstein, Byars, Sparhawk, Bohmfalk, Richardson*

### **TOWN ENGINEERING CONTRACT**

Mayor Dan Richardson, an employee of SGM Engineering (one of the firms being considered), recused himself and left the meeting.

Trustee Byars presided as Mayor Pro Tem.

Kevin Schorzman informed the Board that in 2016 the Town solicited proposals for engineering services. Staff evaluated the proposals and interviewed three firms. The consensus of staff was to recommend the Board enter into a professional services agreement with Roaring Fork Engineering (RFE).

Trustee Bohmfalk asked if we replace SGM will we be losing any institutional knowledge. Jay responded no. Kevin noted that RFE is in town and will be located across the street from the proposed City Market project.

Trustee Bohmfalk made a motion to authorize the Mayor to sign the five-year agreement for professional services with Roaring Fork Engineering. Trustee Sparhawk seconded the motion and it passed with:

*5 yes votes: Silverstein, Henry, Bohmfalk, Byars, Sparhawk*

Mayor Richardson returned to the meeting.

### **RFTA- LETTER SUPPORTING HB 17-1018 – EXTENDING RTA FOR 10 YEARS**

Jay explained that RFTA has requested that the Mayor consider signing a letter supporting a bill that would extend a law that authorizes a regional transportation authority to impose a mill levy. The current authorization sunsets in 2019. Jay noted that any property tax imposed by RFTA would need to be approved by the voters.

Discussion ensued.

The Board agreed to authorize the Mayor to sign the letter because a mill levy increase would still need to be approved by the voters.

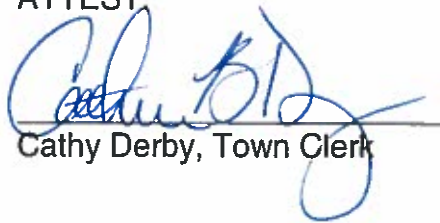
**ADJOURNMENT**

The February 14, 2017, regular meeting adjourned at 8:10 p.m. The next regularly scheduled meeting will be held on February 28, 2017 at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk

