

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
MAY 9, 2017**

**STUDENT OF THE MONTH**

Students from Carbondale Middle School and Carbondale Community 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:

Allie Johnson  
Lily Nieslanik

Jesus Torres Mancinas

**CALL TO ORDER:**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on May 9, 2016, at 6:10 p.m. in the Town Hall meeting room.

**ROLL CALL:**

The following members were present for roll call:

Mayor  
Trustees

Dan Richardson  
Heather Henry  
Ben Bohmfalk  
Marty Silverstein  
Erica Sparhawk  
Frosty Merriott  
Katrina Byars

Staff Present:

Town Manager  
Town Clerk  
Finance Director  
Public Works Director  
Planner

Jay Harrington  
Cathy Derby  
Renaee Gustine  
Kevin Schorzman  
John Leybourne

**CONSENT AGENDA**

- Accounts Payable totaling \$662,430.14
- BOT 4/18/17 Work Session Minutes
- BOT 4/25/17 Regular Meeting Minutes

- Retail Marijuana Infused Products (MIPS) License Renewal Application Colorado Product Services
- Medical Marijuana Infused Products (MIPS) License Renewal Application Colorado Product Services

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

*7 yes votes: Bohmfalk, Silverstein, Sparhawk, Richardson, Henry, Merriott, Byars*

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

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

### **TRUSTEE COMMENTS**

Trustee Silverstein stated that the May First Friday was one of the most successful First Friday's ever.

Trustee Silverstein stated that May 10th is Bike to School Day.

Trustee Silverstein announced that May 13<sup>th</sup> is Dandelion Day and noted that Doc Philip was instrumental in creating this event.

Trustee Silverstein informed the Board that on May 24<sup>th</sup> Senior Matters is hosting a Volunteer Appreciation Party at 689 Main Street from 5-7 p.m.

Trustee Silverstein commented that Waste Diversion Day was a huge success.

Trustee Merriott stated that Dwyers Garden, a well-established local nursery has not been invited back to Dandelion Day because they don't use organic fertilizer. He would like the Environmental Board to develop criteria for retailers at this event.

Trustee Merriott extended his thanks to the Carbondale police officers who administered Narcon to a person overdosing on heroin which saved their life.

Trustee Merriott told the Board that he asked the Chamber if the Town should conduct a survey and the Executive Director asked what is the Town trying to find out.

Trustee Henry stated that the Multi-Jurisdictional Affordable Housing Committee met with Bill Lamont and Dave Myler. They are working on a Request for Proposals for overall needs assessment. Trustee Henry stated we need to confirm our funding commitment. Jay stated that the Town has budgeted \$40,000 from the Housing Fund but we do not anticipate it being that expensive.

Trustee Bohmfalk stated that he would like to have more than one Waste Diversion Day per year, and that we need to expand the options to divert waste.

Trustee Bohmfalk stated that he attended the Bike/Pedestrian/Trails Commission meeting . The safety priority routes have been added to the Town GIS map. Members of the Pitkin County Open Space Commission were at the meeting. They are planning to improve the parking and trails up Prince Creek. Trustee Bohmfalk noted that this is a huge amenity.

Trustee Bohmfalk informed the Board that he wants to extend the Snowmass Drive trail from Sopris Ave. to Main St. Jay commented that this stretch of land is in the County and the policy has been to only make improvements within the Town's limits.

Trustee Byars stated that she met with a woman concerning the lack of universal/ADA equipment in town parks. She stated that she wants the Town to create an accessible universal micro park. Jay noted that we have several pieces of ADA equipment but they are not all in the same park. Mayor Richardson stated that if Trustee Byars receives support for this project from the Parks and Recreation Commission he will support the project as well.

Mayor Richardson congratulated the Marble Distillery for the recognition they received for their water conservation efforts.

Mayor Richardson told the Board that he attended the CIRSA luncheon. He also attended an all-day battery operated bus workshop hosted by RFTA. Aspen may purchase eight (8) electric buses; they are pursuing a grant.

Mayor Richardson toured the Valley Settlement Project. Their mission is to integrate Anglo and Latino communities. They have a program where parent mentors help immigrant families integrate into the community. They also have a program that teaches people to cook nutritionally.

Mayor Richardson asked the Board if they would like to pursue developing a mechanism whereby Carbondale homeowners could voluntarily donate a small percentage of their home's sale to the Town. The revenue would be allocated to the Affordable Housing Fund. The majority of the Board agreed that staff should investigate the feasibility of this idea.

### **ATTORNEY'S REPORT**

The attorney was not present at the meeting.

**SPECIAL EVENT LIQUOR LICENSE – THUNDER RIVER THEATRE**

Thunder River Theatre 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 Byars made a motion to approve Thunder River Theatre's Special Event Liquor License Application. Trustee Sparhawk seconded the motion and it passed with:

*7 yes votes: Sparhawk, Richardson, Silverstein, Merriott, Bohmfalk, Henry*

**PUBLIC HEARING – CRYSTAL VILLAGE LOT A – MAJOR SITE PLAN REVIEW**

**Applicant: CBS Village Lane, LLC**

**Location: Lot A, Crystal Village PUD**

Planner Mark Chain and Applicant Brad Crawford were present at the meeting.

John Leybourne stated that the Applicant submitted an application for a Major Site Plan Review to allow seven (7) townhome units on Lot A in the Crystal Village PUD. On April 27<sup>th</sup> the Planning & Zoning Commission recommended approval. Mark stated that the Plan meets the set-back, height and parking requirements and meets all of the livability guidelines. The Site Plan is also consistent with the Comprehensive Plan. Staff recommended approval.

Discussion ensued.

Trustee Byars asked how much private open space is there. The Applicant responded 30.3%, and it exceeds the amount required by the zone district.

Trustee Henry inquired about affordable housing. Mark responded that tonight the Board is considering the Site Plan, not the Housing Plan.

Trustee Bohmfalk asked the Applicant if they achieved the product they wanted under the Unified Development Code (UDC). The Applicant responded that the UDC requirements created a better product – the building is nicer looking.

Mayor Richardson asked the Applicant if they agree to the conditions placed on the project, they do.

Trustee Henry stated that she is concerned about the building façade facing Hendrick Dr. The façade seems too big and it is out of scale with the neighborhood. She suggested adding a door or stoop to break up the mass.

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

The Applicant addressed Trustee Henry's concern about the façade. He stated that possibly he can wrap the yard around or add a door. Trustee Bohmfalk stated that if you wrap the yard around the corner, the corner unit will appear to have all of the open space. Trustee Bohmfalk suggested making the corner landscaping functional, perhaps add a picnic table.

Trustee Merriott stated he is going to have an issue approving a housing variance unless the applicant is creative.

Mayor Richardson thanked the applicant for making the changes the Planning and Zoning Commission recommended.

Trustee Bohmfalk made a motion to approve the Major Site Plan Review and Major Plat Amendment with the following conditions and findings:

**Conditions:**

1. All lighting shall be in compliance with Section 5.10 of the UDC (Exterior Lighting).
2. The ownership and maintenance of the irrigation system shall be addressed in the Development Improvements Agreement.
3. All representations of the Applicant in written submittals to the Town or in public hearings concerning this project shall also be binding as conditions of approval.
4. The Applicant shall pay and reimburse the town for all other applicable professional and staff fees pursuant to the Carbondale Municipal Code.
5. That the Applicant shall receive approval from the Board of Trustees for the Housing Mitigation Plan.
6. The Applicant shall indicate adequate snow storage on the site plan.
7. The applicant shall provide greater variety with balconies referencing C.2.a.2 of the UDC.

**Findings - Site Plan Review Criteria:**

1. The site plan is consistent with the Comprehensive Plan The site plan is consistent with the purposes section of the PUD;
2. The site plan complies with all applicable development and design standards set forth in this Code; and
3. Traffic generated by the proposed development is adequately served by existing streets within Carbondale.

**Findings – Major Plat Amendment**

1. The final plat conforms to the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to the approval of the preliminary plat;

2. The development substantially complies with all requirements of this Code;
3. The development will comply with applicable technical standards and specifications adopted by the Town.

Trustee Sparhawk seconded the motion and it passed with:

*7 yes votes: Bohmfalk, Merriott, Richardson, Henry, Silverstein, Byars, Sparhawk*

### **ROARING FORK HIGH SCHOOL (RFHS) – MENTAL HEALTH COUNSELOR PROPOSAL**

Trustee Bohmfalk disclosed that he works for the Roaring Fork School District but this issue does not affect him.

RFHS Principal Drew Adams, Assistant Principal Kelsie Goodman, and Mental Health Counselor Andrea Pazdera were present at the meeting.

Drew stated that this past school year Andrea has counseled 100 of the 365 total student body.

Andrea described some of the issues the students faced and the time she spent counseling them.

Mayor Richardson explained that we have budgeted \$30,000 to fund the counselor so if we approve funding it would be approving already allocated funding.

Trustee Bohmfalk suggested that we should have sustainable funding so RFHS isn't wondering if they will be funded every year.

Trustee Silverstein stated this is an extremely important service. Trustee Silverstein made a motion to approve the \$30,000 funding for the School-Based Clinician program for the 2017-2018 school year. Trustee Henry seconded the motion and it passed with:

*7 yes votes: Sparhawk, Bohmfalk, Merriott, Richardson, Henry, Silverstein, Byars*

Trustee Byars asked how RFHS deals with bullying. Kelsie explained that the school has six (6) core beliefs that dictate how people respond. They also have a peer counseling club.

### **THOMPSON DIVIDE LITIGATION**

In a memo to the Board, Special Counsel Mike Chiropolos, who represents the Town on Thompson Divide litigation matters, asked if the Town wants to join Pitkin County Wilderness Workshop in their stand-alone complaint challenging BLM's decisions

granting suspensions of SG's 18 leases in the Thompson Divide before the leases were cancelled by BLM's 2016 Lease NEPA decision. If the Town decides to join the litigation it will do so as a co-plaintiff.

Trustee Byars made a motion to join Pitkin County and Wilderness Workshop in a stand-alone complaint challenging BLM's decisions granting suspensions of SG's 18 leases in the Thompson Divide before the leases were cancelled by BLM's 2016 Lease NEPA decision. Trustee Silverstein seconded the motion and it passed with:

*7 yes votes: Bohmfalk, Merriott, Richardson, Henry, Silverstein, Byars, Sparhawk*

### **BALLENTINE HOUSING MITIGATION PLAN**

Applicant Rick Balentine was present at the meeting.

John Leybourne explained that the applicant has resubmitted their housing mitigation plan that proposes 27 units in both Building A and Building B. The applicant is proposing to have five (5) resident occupied (RO) units (4 RO units are required) and six (6) AMI units (5 AMI units are required).

The Applicant is requesting a variance to restrict the AMI units to Category 1 and 2 rather than including Categories 3 and 4. The Code states that the Board may grant a variance when it is deemed to be in the best interest of the community and when it furthers the overall goal of promoting affordable housing in a manner which meets or exceeds the requirements.

Staff recommended approval of the variance.

The Applicant informed the Board that he wants to change the proposed five (5) RO units to four (4), and the six (6) AMI units to five (5) which would be a loss of two (2) affordable housing units.

Discussion ensued.

The Board told the Applicant that they were extremely disappointed with the new proposal and the lack of notification.

Trustee Byars stated that the change is a curveball and she felt the item should be continued to a future meeting so the Board would have time to contemplate the change. Trustee Bohmfalk commented that it feels like a horse trading process and he doesn't like it.

The Board agreed to require the applicant to build six (6) AMI units in Category 1 and 2, and four (4) RO units.

Trustee Silverstein made a motion to approve the Housing Mitigation Plan requiring six (6) AMI's and four (4) RO units be built on Lot 12B of the Kay PUD, and to approve the requested variance to restrict the AMI Units as Category 1 and 2, 80% and 100% respectively. Trustee Merriott seconded the motion and it passed with:

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

### **OLD LANDFILL REMEDIATION CONTRACT**

Kevin Schorzman explained that the Town discontinued use of its landfill in the early 1990's. A closure plan was submitted to the Colorado Department of Public Health and Environment (CDPHE) in 1992. THE CDPHE approved the plan and inspected the property. However, it was discovered that final approval of the closure was never documented. In 2014, the Town was notified by the owners that sink holes were developing in the cap of the old landfill. This year the CDPHE and the owner approved the Town's plan to mitigate the sink holes. Canyon Excavating's bid of \$26,192 was the lowest quote received. Funds were allocated in the 2017 budget for this work.

Trustee Sparhawk made a motion to approve the quote from Canyon Excavating, LLC, and authorize the Mayor to execute the attached agreement with Canyon Excavating, LLC. Trustee Byars seconded the motion and it passed with:

*7 yes votes: Byars, Richardson, Silverstein, Sparhawk, Henry, Bohmfalk, Merriott*

### **DISCUSSION ON COLORAOD PUBLIC ARTS COMMISSION SPONSORSHIP**

Trustee Silverstein explained that recently a business was willing to purchase an app that describes the Art Around Town sculptures. In return they asked that a small plaque with their name be placed on the sculpture base. CPAC has since decided to pay for the app to see if it is popular. However, it became apparent that the Town does not have a policy on sponsorships. Currently every sponsorship comes before the board and is considered on an individual basis.

Discussion ensued.

Trustee Merriott stated the way we decide sponsorships is working now so we shouldn't change it.

Trustee Byars stated that she would only support placing a permanent sponsorship on Town property if it has significant community benefit.

Trustee Henry asked that sponsorships in the parks should be decided by the Parks and Recreation Commission while they are trying to raise funds.



Trustee Byars made a motion that every request for permanent recognition must come to the Board of Trustees for review and approval. Trustee Silverstein seconded the motion and it passed with:

*7 yes votes: Richardson, Silverstein, Sparhawk, Henry, Bohmfalk, Merriott, Byars*

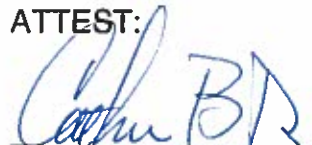
**ADJOURNMENT**

The May 9, 2017, regular meeting adjourned at 8:55 p.m. The next regularly scheduled meeting will be held on May 23, 2017, at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk

