

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
JULY 11, 2017**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on June 27, 2017, 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
	Erica Sparhawk
	Heather Henry
Absent	
Trustee	Ben Bohmfalk
Arrived after roll call	
	Trustee Merriott
Staff Present:	
Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Attorney	Mark Hamilton
Planning Director	Janet Buck
Police Chief	Gene Schilling

CONSENT AGENDA

- Accounts Payable totaling \$134,851.11
- BOT 6/20/17 Work Session Minutes
- BOT 6/27/17 Regular Meeting Minutes
- Liquor License Renewal – Allegria
- Revolving Loan Fund Administrative Agreement

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

4 yes votes: Silverstein, Sparhawk, Richardson, Henry

PERSONS PRESENT NOT ON THE AGENDA

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

TRUSTEE COMMENTS

Trustee Silverstein informed the Board that the second summer concert was a great success – over 400 people attended and it was broadcast on KDNK.

Trustee Henry told the Board that the Regional Housing Authority RFP will go out next week.

Trustee Sparhawk thanked Town staff for a great 4th of July celebration.

Mayor Richardson stated that First Friday was fantastic and he thanked Town staff for their work on the Mt. Sopris Music Festival.

ATTORNEY'S COMMENTS

Mark Hamilton informed the Board that Pat Kiernan has initiated a court appeal for the denial of his building permit. Mark said he is preparing a response and now it is up to the Court. Mark advised the Board not to discuss this matter. The Town's filing will be public record. Mark noted this is not a traditional law suit, rather it is an appeal.

Trustee Merriott arrived at the meeting.

SPECIAL EVENT LIQUOR LICENSE – ASCENDIGO AUTISM SERVICES

Ascendigo Autism Services has applied for a Special Event Liquor License for Cowboy Up!. 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 Ascendigo Autism Service's Special Event Liquor License Application for Cowboy Up! Trustee Sparhawk seconded the motion and it passed with:

5 yes votes: Sparhawk, Richardson, Silverstein, Merriott, Sparhawk Henry

TOWN IMMIGRATION POLICIES

The Board met with students from Carbondale Middle School to discuss the Town's Immigration Policies. The students proposed that the Trustees pass a resolution protecting the immigration community. The resolution proposes that no town employee

shall take action solely based on a person's immigration status; the town shall not participate with or serve the function of federal immigration officials; the Town will establish an outreach program with the immigrant community; and the Town will designate one of its police officers as a public relations officer.

Discussion ensued and the following points/questions were made:

- Mayor Richardson stated that it is important to note that municipalities usually respond to federal policies and they have limited ability to change national policy.
- The students stated that immigrants are not reporting crimes for fear of being deported.
- The Board asked if a resolution is a necessity to get the programs started. The students responded yes.
- Staff stated that it is rare that Town police officers inquire about immigration status.
- The Town receives federal funding and must abide by federal laws. Therefore, it is important how the resolution is worded.
- CMC's response to the request for Spanish classes has been very positive. There is an overwhelming need for bi-lingual officers.
- The Board believes that the resolution should be more affirmative than negative. It needs to have flexible language so we can get funding but forceful enough so it sends that message that we support the programs.
- We need to be careful concerning the costs associated with added programs.

Mayor Richardson opened the meeting to public comment.

Reverend Shauna Foster stated that Carbondale has a problem because a lot of the community lives in fear that they are going to be deported. She showed the Board an ICE flyer that was hanging in City Market. She stated there is fear on both sides. She encouraged the Board to take steps to protect the community.

Joe Ortega stated he is undocumented. When he was in high school he wouldn't drive a car for fear of being caught and deported. He believes a resolution will make people feel more welcome in Carbondale.

Mayor Richardson noted that passing a resolution won't change police action/policies, a resolution expresses our intent and reaffirms our policies.

Sophia Clark, stated that a resolution would significantly change policing. There is fear in the community. The resolution does not prevent police from cooperating with the feds, it limits immigration as the sole purpose.

Gretchen Brogden stated there is a big difference saying we aren't going to do something – we are going to have to take these steps. It is time to declare our intent to

protect the immigration community. The Council doesn't represent the entire community because there are no Latinos on the Board.

The Board agreed that Trustee Sparhawk and Mayor Richardson will work with the students to amend the resolution and they will bring it back to the Trustees for consideration at a future meeting.

**ORDINANCE NO 12, SERIES OF 2017 – APPROVING THOMPSON PARK
SUBDIVISION IMPROVEMENT AGREEMENT**

Janet Buck explained that Cerise Park has broken Parcel 2 up in to several phases. They have submitted an amended plat to only develop four of the residential lots within the Phase 2 parcel. They propose to build an affordable unit in Building A, and three free market units in Building B.

Staff supports the application and recommends approval.

Discussion ensued.

Mayor Richardson asked if the affordable housing unit is protected from run off storm water? Janet answered yes. Mayor Richardson asked if the Landscape Plan has been amended – it has.

David McConaughy of Garfield and Hecht explained that the challenge is to sell units. The developer has put a lot of infrastructure in place which is expensive. They are only proposing to change the phasing and the timing.

Mayor Richardson stated that he is concerned that if the Homeowners Association fails to maintain the sidewalks, street, curbs, gutters then the Town will be forced to do so.

The Board was concerned that this has become a long drawn-out process and that they are only building four of 16 units.

Trustee Henry made a motion to approve Ordinance No. 12, Series of 2017 for Phase 2A of the Thompson Park Subdivision, the Subdivision Improvements Agreement, the Eighth Amendment to the Annexation Agreement, the Declaration of Covenants, the RETA document, and the Deed Restriction for the affordable housing unit. Trustee Merriott seconded the motion and it passed with:

*4 yes votes: Merriott, Henry, Silverstein, Sparhawk
1 no vote: Richardson*

EMERGENCY ORDINANCE NO. 13, SERIES OF 2017 – APPROVING CHANGES OF CONSTRUCTION AND TRASH HAULING HOURS AND GIVING THE TOWN MANAGER THE ABILITY TO MAKE MODIFICATIONS AS NECESSARY TO RESPOND TO GLENWOOD SPRINGS BRIDGE CONSTRUCTION IMPACTS

Jay Harrington explained that at two previous meetings the Board has discussed the potential negative impacts the Town could face from the Grand Avenue Bridge Closure. Ordinance No. 13 proposes to change the hours of construction in Town, and changes the hours of trash hauling.

Discussion ensued.

Trustee Merriott voiced that he is not happy with the construction hour changes. Also, the Ordinance needs to have sunset language.

The Board agreed that sunset language should be added and that Saturday construction should take place from 7:00 a.m. – 5:00 p.m.

Trustee Merriott stated that he is concerned about fracking rigs speeding on Highway 133 and it is imperative that the police department enforces traffic.

Trustee Merriott made a motion to approve Emergency Ordinance No. 13, Series of 2017 approving changes of construction and trash hauling hours with the following amendments: Saturday construction hours will be 7:00 a.m. – 5:00 p.m. and the change of hours will be in effect until the re-opening of the Grand Avenue Bridge. Trustee Silverstein seconded the motion and it passed with:

5 yes votes: Richardson, Silverstein, Sparhawk, Henry, Merriott

MISCELLANEOUS


Trustee Silverstein stated that staff did a great job with the water rate increase notices.

The Board appointed Mayor Richardson as alternate to Garfield Clean Energy.

ADJOURNMENT

The July 11, 2017, regular meeting adjourned at 8:30 p.m. The next regularly scheduled meeting will be held on July 11, 2017, at 6:00 p.m.

APPROVED AND ACCEPTED



Dan Richardson, Mayor

ATTEST:



Cathy Derby, Town Clerk

