

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
JANUARY 23, 2018**

Mayor Dan Richardson called the Board of Trustees Regular Meeting to order on January 23, 2018, 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
	Ben Bohmfalk
	Heather Henry
	Luis Yllanes

Arrived After Roll	Frosty Merriott
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Staff Present:	
Town Manager	Jay Harrington
Town Clerk	Cathy Derby
Attorney	Mark Hamilton
Finance Director	Renae Gustine
Public Works Director	Kevin Schorzman

**CONSENT AGENDA**

- Accounts Payable totaling \$210,116.55
- BOT 1/9/18 Regular Meeting Minutes

Trustee Merriott arrived at the meeting.

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

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

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

Doc Philip, S. 3<sup>rd</sup> St., stated that Carbondale needs to do something about eliminating Carbon Dioxide. He suggested Carbondale become its own nation state.

### **TRUSTEE COMMENTS**

Trustee Bohmfalk told the Board that he attended the most recent waste hauling committee meeting. Two City of Glenwood Springs council members attended the meeting. They are interested in joining the waste hauling efforts - it appears it's becoming a valley-wide project. Jay stated he asked Laurie Batchelder, a solid waste collection consultant, for a bid to help the Town through the process.

Trustee Henry informed that Board that she attended the Environmental Board meeting. There are several new members and they are in process of identifying their priorities, volunteering for sub-committees, etc. Trustee Henry stated the Board has good momentum.

Trustee Merriott stated he has three months left in his term and he has every intention to "finish strong". He believes the trash hauling ordinance needs to be broken in to pieces (i.e. bear proof containers, trash hauler, compost, etc.).

Trustee Merriott would like the Town to educate its citizens on the Town's water quality. The Town should create educational resources in both English and Spanish. Trustee Merriott stated that he is willing to take the lead on this project. A discussion has been scheduled for the March 13, 2018 BOT meeting. Trustee Henry stated that the Environmental Board is looking at broadening efforts to (eventually) make Carbondale plastic free (including banning single use water bottles). They are looking for help from an advocacy organization so as not to reinvent the wheel.

Trustee Merriott stated that if bear-proof trash containers are going to be effective in Carbondale then residents located within the three (3) mile area of Town should also be required to have them. Trustee Merriott has spoken with Commissioner Jankovsky who is supportive of the idea. Commissioner Jankovsky has agreed to put bear-proof trash containers on a future Garfield County agenda.

Mayor Richardson said that he attended the RFTA meeting with Trustee Bohmfalk. They discussed the continuation of the Access Control Plan, and an update on the ITSP was provided – the consultant is polling people to see if they are interested in approving an additional funding source. Also, at the meeting RFTA stated that the Grand Avenue Bridge mitigation cost \$800,000 which was absorbed through sales tax.

Mayor Richardson stated that he will be attending the Regional Mayor Meeting on Friday.

**ATTORNEY'S COMMENTS**

The attorney did not have any comments.

**SPECIAL EVENT LIQUOR LICENSE – RIVER BRIDGE**

River Bridge Regional Center has applied for a Special Event Liquor License for a fundraiser to be held at the River Valley Ranch Barn. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve River Bridge Regional Center's Special Event Liquor License Application. Trustee Silverstein seconded the motion and it passed with:

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

**SPECIAL EVENT LIQUOR LICENSE – CARBONDALE CLAY CENTER**

Carbondale Clay Center has applied for a Special Event Liquor License for a scholarship fundraiser to be held at 201A Main Street. All fees have been paid and the Police Department has reported no problems with the applicant or the premises.

Trustee Sparhawk made a motion to approve Carbondale Clay Center's Special Event Liquor License Application. Trustee Henry seconded the motion and it passed with:

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

**SPECIAL EVENT LIQUOR LICENSE – WILDERNESS WORKSHOP**

Wilderness Workshop has applied for a Special Event Liquor License for an event to be held at the Third Street Center. 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 Wilderness Workshop's Special Event Liquor License Application. Trustee Yllanes seconded the motion and it passed with:

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

**RESOLUTION NO. 4, SERIES OF 2018 – SUPPORTING REAUTHORIZATION OF GOCO COLORADO**

Jay explained that Colorado's lottery proceeds that fund Great Outdoors Colorado Trust Fund, the Conservation Trust Fund, and the Colorado Division of Parks and Wildlife must be re-authorized by the general assembly by 2024. Parks & Recreation

Stakeholders have evaluated and concluded that the 2018 Legislative Session is the best time to pursue this re-authorization.

Trustee Sparhawk made a motion to approve Resolution No. 4, Series of 2018, supporting reauthorization by the General Assembly of the Colorado Lottery Division in 2018. Trustee Silverstein seconded the motion and it passed with:

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

### **REVIEW OF STREETScape FUNDED PROJECTS**

On January 9, 2018, the Board approved Ordinance No. 1, Series of 2018 placing the question of extending the Streetscape mill levy on the ballot for the April 3<sup>rd</sup> election. At that time the Board requested staff provide a breakdown of revenues generated by the mill levy and the projects the funds were spent on.

Kevin stated that \$3.9 million in revenue has been collected and to date \$3.3 million has been spent on streetscape projects including: downtown streetscape and lighting, downtown sidewalks, crosswalks, pedestrian ramps and pavers, 4<sup>th</sup> St/Sopris Ave. landscaping associated with the new library, and the 3<sup>rd</sup> Street project. In 2018, proposed improvements include sidewalks on 3<sup>rd</sup> St./Colorado Ave. Kevin noted that the Town tries to maintain a fund balance of \$500,000 - \$600,000 to be allocated toward downtown parking improvement projects should the opportunity present itself.

Discussion ensued.

Mayor Richardson requested that photos accompany the completed projects and descriptions be added to the list of capital improvements. The document should then be posted on the Town's website.

### **ORDINANCE NO. 2, SERIES OF 2018 – ESTABLISHING AN ENTERTAINMENT DISTRICT FOR A COMMON CONSUMPTION AREA**

Andrea Stewart, Carbondale Chamber of Commerce Executive Director, was present at the meeting.

Jay explained that at the January 9<sup>th</sup> BOT meeting staff provided a draft Ordinance No. 2, Series of 2018, establishing an entertainment district to create a common consumption area. The draft had several blanks which staff has since filled in.

Jay noted two questions remain to be answered: the definition of disposable cups and if requiring the cups to be traceable is necessary. Jay noted that the general consensus among municipalities and legislators is that the definition of disposable cups is up to the discretion of the municipalities.

Discussion ensued.

Andrea stated that the First Friday Committee intends to use the cups as a revenue stream. They are thinking of selling (seasonal) stainless steel cups.

Mayor Richardson noted that he would like the participating businesses to report their First Friday sales tax revenue for the three month trial period.

Trustee Henry stated that this is a three month test and they have to meet First Friday's goals. She asked Andrea how they are coordinating to build a sense of First Friday. Andrea replied that the Farmer's Market has been invited and they are encouraging local artisans who are members of the Creative District and the Chamber to participate. They are trying to make art a focus of First Friday again and create a family atmosphere.

Trustee Merriott stated that two long-time locals approached him and told him the common consumption area is not a good idea. Trustee Merriott cautioned the Promotional Association to be careful. He asked what kind of message are we sending? However, it's an experiment and it needs to happen. He suggested that the Chamber could make a small donation to Youth Zone.

Mayor Richardson opened the meeting to public comment.

Elizabeth Commack, Mesa Verde Ave., stated that she strongly opposes the common consumption area. She has a 15 year old and she has worked hard to keep him from being overexposed to alcohol. She is concerned about opening Main Street to drinking. Can we trust that our kids who wonder away will not be offered alcohol? Carbondale is sending a message that it condones alcohol. She feels that the community is turning away from family events and is moving towards drinking and partying. She is concerned about crime, vandalism and people drinking and driving. She noted that the police have similar concerns.

Trustee Silverstein stated that like Trustee Merriott he too has reservations. First Friday started as an art walk. He is concerned that a few people can ruin this but he hopes that the experiment goes well.

Trustee Henry wants to require that TIPS documentation be provided to the town clerk.

Trustee Bohmfalk stated that he doesn't feel that the cups need to be traceable. The majority of the Board agreed that the cups should be traceable. Trustee Bohmfalk suggested that a volunteer security patrol be used during the event.

Andrea asked if it will be necessary to have drinks shuttled across Third Street – it will.

Trustee Yllanes stated that he supports the idea because the businesses on Main Street support it. What the Chamber nets compared to the risk will need to be assessed. He agreed that a volunteer security force should be used.

Mayor Richardson stated that if something goes wrong he would like the Trustees to have the ability to shut the event down.

Trustee Bohmfalk made a motion to approve Ordinance No. 2, Series of 2018, Creating an Entertainment District to Establish a Common Consumption Area with the following amendments: attached licensed premises shall be required to submit TIPS documentation to the town clerk; and the Promotional Association may form a volunteer security force. Trustee Henry seconded the motion and it passed with:

*5 yes votes: Yllanes, Henry, Bohmfalk, Richardson, Sparhawk  
2 no votes: Merriott, Silverstein*

#### **ASPEN VALLEY LAND TRUST REAL ESTATE CONTRACT/RED HILL**

Jay explained that the Memorandum of Understanding outlines the time period for the property to be transferred to the Town. It includes a maintenance fund of \$200,000, an improvement fund (trail construction) of \$150,000, and transfer date of when the funds for the project have been committed.

The Town is working with CDOT and Garfield County on a possible relocation of CR 107 to permit the development of a separate parking area for recreational users. Funding for this work has not been allocated and AVLTT is not financially obligated to participate in this phase of the project.

Trustee Sparhawk made a motion to approve the Memorandum of Understanding Concerning the Donation and Administration of Funds for the Management of the Red Hill Property Between the Town of Carbondale, Colorado and the Aspen Valley Land Trust. Trustee Silverstein seconded the motion and it passed with:

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

#### **AGREEMENT FOR PURCHASE OF EASEMENT – INDUSTRY WAY**

Jay explained that the Town has long planned to connect Industry Way to 8<sup>th</sup> Street. The Town has the opportunity to acquire a 25' wide easement to accommodate a portion of the future Industry Way Connection. The Town will be paying the appraised value of the property of \$143,500, which is included in the 2018 budget.

The owner of the property will be permitted to use the easement area to access their proposed development until the Industry Way connection is constructed.

Trustee Henry disclosed that she lives in the neighborhood of the proposed development and she asked the Board if they would like her to recuse herself. The Board did not believe it was necessary for Trustee Henry to recuse herself.

Discussion ensued.

Trustee Bohmfalk stated that he is concerned that it may be many years before the connection is made and if the property changes hands the new owners may protest the easement. Jay explained that the developer's intent is to use it as a road-based driveway.

Trustee Henry stated that the easement almost connects to the Derail Park single track. She suggested that the Town start using the easement as a right-of-way so people can't put sheds, etc. on the property. It was agreed that language would be added preventing additional improvements or landscaping within the easement, and that during the temporary period prior to the Town's completion of a public street the Town may make use of the easement for other public purposes.

Trustee Yllanes made a motion to approve the Easement Purchase and Sale Agreement between the Town of Carbondale and Primo Properties, LLC, including the form of the Easement Deed, and authorize the Mayor to sign the agreement upon completion of the legal description and site plan. Also, the Board directed staff to add language preventing additional improvements or landscaping within the easement, and that during the temporary period prior to the Town's completion of a public street the Town may make use of the easement for other public purposes. Trustee Bohmfalk seconded the motion and it passed with:

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

The January 23, 2018, regular meeting adjourned at 8:20 p.m. The next regularly scheduled meeting will be held on February 13, 2018, at 6:00 p.m.

APPROVED AND ACCEPTED

  
Dan Richardson, Mayor

ATTEST:

  
Cathy Derby, Town Clerk