

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
CARBONDALE TOWN HALL
AND VIA ZOOM
FEBRUARY 14, 2023
MEETING**

Mayor Bohmfalk called the Board of Trustees Regular Meeting to order on February 14, 2023, at 6:00 p.m.

STUDENT OF THE MONTH

The following students from Crystal River Elementary School, Ross Montessori School, Carbondale Middle School, and Carbondale Community School were presented a Certificate of Achievement Award from Mayor Bohmfalk:

Juan Barajas Castro
Luis Reyes Santos
Aron Lopez
Olive Keeling

Lizbeth Gallardo-Noyola
Daylin Alvarado Membrano
Valeria Dominquez Guzman

ROLL CALL:

The following members were present for roll call:

Mayor
Trustees

Ben Bohmfalk
Marty Silverstein
Lani Kitching
Chris Hassig
Colin Laird
Erica Sparhawk
Luis Yllanes

Staff Present:

Town Manager
Town Clerk
Acting Town Clerk
Planning Director
Town Attorney
Parks and Recreation Director
Police Chief

Lauren Gister
Cathy Derby
Jessica Markham
Jared Barnes
Mark Hamilton
Eric Brendlinger
Kirk Wilson

CONSENT AGENDA

- Accounts Payable totaling \$2,037,585.10

Trustee Meeting Minutes

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- BOT 1/17/2023 Regular Work Session Minutes
- BOT 1/24/2023 Regular Meeting Minutes
- Liquor License Renewal – La Fogata
- Special Events Security Requirements Policy
- Recommendation for Appointment to the Environmental Board
- RFTA First/Last Mile Grant Agreement
- SafeBuilt Contract
- Town Stage Fee Waiver

Trustee Luis recused himself.

Mayor Bohmfalk asked Chief Wilson to comment on changes to Special Events Security Policy. Chief Wilson stated that four training sessions in emergency management and first aid training one-day general overview for liquor license training will be available for volunteer security. For 2023 special events can provide up to 25% of the required security personnel with trained volunteers as long as the volunteers have met the training requirements. Trustee Silverstein asked to clarify that if an event has an attendance of 1,100 people would require 3 security personnel, and 1 can be a volunteer. Chief Wilson responded in agreement.

Mayor Bohmfalk asked Town Manager to comment on the SafeBuilt Contract. Lauren stated that Town is still looking for a building official, and needs to use an outside contractor to farm out some of the work that needs to be done as current timelines are unacceptable. These options are equivalent to what the town is currently paying now.

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

7 yes votes: Hassig, Silverstein, Laird, Kitching, Bohmfalk, Yllanes, Sparhawk

PERSONS PRESENT NOT ON THE AGENDA

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

TRUSTEE COMMENTS

Trustee Sparhawk attended the Carbondale Chamber of Commerce Meeting. She stated that there are a few new board members who are engaged in those meetings. There is a business after-hours on 2/15 at Botany.

Trustee Hassig attended the Bike, Pedestrians, and Trails Commission meeting. The RFP for the Mobility Plan is scheduled for March.

Trustee Yllanes attended the Parks and Recreation Commission Meeting. They are looking at Red Hill Trail user numbers and new cemetery software.

Trustee Kitching stated that she attended the Gray Wolf Management meeting and that interested community members can still submit comments. The West Elk Loop Trail Expansion meeting is at 3rd Street Center on 2/15/23 5-7 pm, Forest Service personnel will be on hand to answer questions. Crystal River Wild and Scenic selected American White Water as its facilitator. Trustee Kitching also attended the RWAPA board meeting where their executive director is undergoing a performance review. Trustee Kitching stated that the Swim Project is experiencing a setback due to personnel matters. Trustee Kitching also wanted the Board of Trustees to know that Senior Matters and CAFCI are merging into one organization, their name is yet to be determined.

Trustee Laird attended the RFTA board meeting. They are experiencing driver shortages, but successfully made it through x-games weekend, the busiest time for them. RFTA purchased the Rodeway Inn and is currently in the process of converting it to 40 rental units to suit staff in the Fall or Winter of 2023. Trustee Laird also attended the Colorado Association of Ski Towns (CAST). CAST is looking to make RETT a top priority referendum on the Fall 2024 Ballot. The Colorado House Senate is 1 vote short, and CAST is hoping to convince Senator Will to be the deciding vote. Trustee Laird said that the Town should appoint two to be CAST representatives. Trustee Laird had a discussion with Representative Velasco about RETT and repealing the prohibition on rent control Trustee Laird also asked the board to think about a legislative discussion in the future.

Trustee Silverstein stated that the Tree Board did not meet in January but will meet as planned in February. They will be discussing tree planting options at Chacos Park. Trustee Silverstein also welcomed the new Town Clerk

Mayor Bohmfalk Stated that CAST is having its annual legislative meeting in Denver on March 2nd. Trustee Laird said that he will attend. Mayor Bohmfalk spoke with Niki Delson about an antisemitic incident that happened at the high school. He will have a conversation with school officials to establish a protocol. He also had conversations with Unidos about rent stabilization, making rent control a local issue and not a state issue. Mayor Bohmfalk stated that parks and wildlife received a grant to reduce bear activity in the area.

ATTORNEY'S COMMENTS

The Attorney did not have any comments.

MANAGER'S COMMENTS

Lauren introduced the new Town Clerk Jessica Markkham. She told the Board that she is working with Public Works to establish sites for the bike share program. WeCycle is looking for shop space in Town. She said that she is continuing interviews for the Building Official position. She also stated that a new Planner, Kelly Amdur, started on Monday.

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PUBLIC HEARING – Transfer of Retail Marijuana Store License

Applicant: Carbondale Green Joint LLC
Location: 655 Buggy Circle

Dan Sullivan introduced himself to the Board. He explained that He has owned and managed other locations of The Green Joint for 11 years. He is looking forward to finally being part of the Carbondale community. He explained to the Board that he will be taking over Colorado Product Services business and moving it toward more retail than manufacturing. Trustee Yllanes asked if there is sufficient parking at the current location. Sullivan replied that the location currently has 6 parking spots, which is more than enough.

RECOMMENDATION

Staff recommends that the Board move to approve The Green Joint's Transfer of Ownership Application.

Mayor Bohmfalk opened the public hearing to public comment. No persons present had comments.

Trustee Yllanes made a motion to approve the Transfer of Retail Marijuana Store License – The Green Joint. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Sparhawk, Bohmfalk, Kitching, Laird, Hassig, Silverstein, Yllanes

SPECIAL EVENT LIQUOR LICENSE- CARBONDALE ARTS

Carbondale Arts has applied for a Special Event Liquor License for Green is the New Black Fashion Show 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 Silverstein made a motion to approve Carbondale Arts' Special Event Liquor License. Trustee Hassig seconded the motion and it passed with:

7 yes votes: Sparhawk, Hassig, Yllanes, Laird, Kitching, Silverstein, Bohmfalk

SPECIAL EVENT LIQUOR LICENSE- ASPEN SCIENCE CENTER

Aspen Science Center has applied for a Special Event Liquor License for Hometown Science Café Series 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 Sparhawk made a motion to approve Aspen Science Center's Special Event Liquor License. Trustee Kitching seconded the motion and it passed with:

7 yes votes: Sparhawk, Hassig, Yllanes, Laird, Kitching, Silverstein, Bohmfalk

MAIN STREET MARKETPLACE – RESTORATION SECURITY REDUCTION

Jared Barnes presented the Board with the background of the project known as Main Street Marketplace. Section 15 of the Development and Improvements Agreement (DIA), which was approved by the Board in February 2019, sets forth provisions for Security and Warranty, including public improvements and restoration.

Since the DIA was executed, construction has proceeded on the subject property. Buildings A and B have received Certificates of Occupancy (CO). Building C has received a Temporary Certificate of Occupancy and is awaiting permitting and installation of the solar system. Buildings L and K are under construction, while buildings H and J are permitted. Buildings F and G have been submitted for permit review.

On January 26, 2023, Sopris Engineering, on behalf of the owner requested a reduction in the restoration security from \$100,000 to \$75,000.

Staff agrees that the applicant's assessment that the building is complete and that all associated site improvements have been completed. Staff recommends that the restoration security be reduced as outlined in the DIA to 75% or \$75,000.

Trustee Sparhawk moved to approve the reduction in the restoration security for Main Street Marketplace to \$75,000. Trustee Kitching seconded the motion and it passed with:

7 yes votes: Yllanes, Hassig, Bohmfalk, Kitching, Laird, Sparhawk, Silverstein.

CARBONDALE CENTER PLACE, LOT 1 – CREDIT REDUCTION

Jared Barnes gave the background on the development and stated that as part of the approval of the development, the owners of Lot 1 were required to provide the Town with a security to ensure the completion of the public improvements associated with Lot 1 and ensure proper demolition of the Sopris Shopping Center as outlined in Section 15 of the SIA. The SIA allows the developer to apply for two partial releases as construction progresses.

On January 11, 2022, the Board of Trustees approved a security reduction related to the work completed as part of the Colorado Avenue Sewer Project.

On January 18, 2023, Sopris Engineering, on behalf of the owner requested a second reduction in security of \$121,150.15.

After Reviewing the request and performing a site inspection, Staff agrees with the applicant's assessment that public improvements are complete, except for required

landscaping and streetlight replacement. Under the SIA, Staff recommends that the security be reduced to 10% of the completed Public Improvements of the original SIA plus the remaining work for a security of \$47,747.14. The remaining security will be in place until all of the public improvements are complete, and the warranty period has passed.

Trustee Silverstein asked how long the warranty period is. Jared replied that the warranty for the work is two years.

Trustee Silverstein made a motion to approve the reduction in security for Lot 1, Carbondale Center Place. Trustee Kitching seconded the motion and it passed with:

7 yes votes: Sparhawk, Bohmfalk, Kitching, Laird, Hassig, Silverstein, Yllanes

INTEGRATED WEED MANAGEMENT PLAN

Eric Bredlinger explained to the Board that current weed management techniques are working with some success. Areas of concern are the Nature Park where he is requesting herbicides be used cautiously and with a consultation. Canada Thistle at the Nature Park has proven to be resistant to the current weed management techniques. The ball field is also an area of concern, but out of caution, he does not recommend the use of chemical herbicides.

Eric stated that the Nature Park will be a twice-yearly process, once in early Spring and again in late Fall, for two to three years, at which time, work on revegetation can begin.

Trustee Silverstein asked if chemical-based herbicides are non-toxic to animals and pets.

Eric replied that they are not safe, but can be used safely, by training staff on the proper ways to use them, and fencing off areas where chemicals have been applied.

Trustee Laird stated that RFTA has had success in weed management by using goats. Has the staff tried to utilize goats? Eric replied that the Nature Park is not a good location for goats.

Trustee Kitching asked if the suggested herbicides are EPA approved. Eric responded that they are EPA approved and noted that it is no longer toxic once it is dried.

Mayor Bohmfalk asked about the use of the weed steamer. Eric stated that it is used and works well in certain areas.

Mayor then asked how long the fencing would be up at the park. Eric replied that there would be multiple fencing pods for about two weeks.

Trustee Sparhawk moved to approve the Integrated Weed Management Plan. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Hassig, Yllanes, Sparhawk, Bohmfalk, Kitching, Laird

ORDINANCE NO. 2, SERIES OF 2023 – BAG FEE

Lauren explained that she will need to change a date in the ordinance as written. She went through the businesses that would be affected by the fee change to let them know of the meeting. She also stated that the Chamber of Commerce sent out a notice to their members to let them know of the meeting. She only received one email and one comment in passing. Trustee Sparhawk said that she also mentioned meeting about the Ordinance at a Chamber of Commerce meeting and only received one question.

Mayor Bohmfalk confirmed that the fee does not apply to boxes or restaurants.

Trustee Sparhawk moved to approve Ordinance No. 2, Series of 2023 to be effective April 1, 2023, with the date change in section 7. Trustee Silverstein seconded the motion and it passed with:

7 yes votes: Bohmfalk, Kitching, Laird, Hassig, Silverstein, Yllanes, Sparhawk

GARFIELD CLEAN ENERGY GOALS ADOPTION

Zuleika Pevec and Heidi McCullough from CLEER presented Garfield Clean Energy 2023 Energy Action Plan Goals.

They explained that the goals to be achieved by the year 2030 are:

- Energy Savings: reduce energy consumption in the built environment by 12 percent.
- Carbon-free electricity: Make Garfield County's electricity supply 100 percent carbon-free.
- Clean Mobility: Increase the share of zero-emissions EVs to 15 percent of registered vehicles; support alternate fuels and alternatives to driving.
- Greenhouse Gas Emissions: reduce emissions from electricity by 100 percent, and emissions from natural gas by 10 percent.
- Economic development and jobs: harness the clean energy transition for Garfield County's benefit while addressing negative impacts.

Discussion ensued.

The mayor asked if any other municipalities have adopted the goals yet. Heidi replied that the Town of Newcastle has adopted the goals.

Trustee Silverstein moved to adopt the Garfield Clean Energy 2023 Energy Action Plan Goals. Trustee Kitching seconded the motion and it passed with:

7 yes votes: Kitching, Bohmfalk, Hassig, Silverstein, Sparhawk, Yllanes, Laird

CLEER UPDATE AND 2023 WORKPLAN

Zuleika Pevec and Heidi McCullough from CLEER presented the Board with details on how CLEER plans to support the Town in the newly adopted goals.

CLEER's plan to support the goals are:

- Energy Savings in the Built Environment
 - Code Development
 - Home Energy Score Pilot Program
 - Implement Electrification Plan
 - Follow up on the DOE grant that was submitted to utilize ground source heat for the Net-Zero District concept.
 - Plan a thermalize style heat pump program to launch in 2024
- Carbon-free electricity
 - Assess the community's overall progress toward carbon-free electricity.
 - Identify key actions and investment levels needed to accelerate progress toward 100% carbon-free electricity.
- Clean Mobility
 - Support the E-Board with Go EV City
 - eBikeThere Garfield County
 - BikeThere – Bike to Work Day
 - Support the Town's clean mobility planning efforts with outreach to residents, support as needed to maximize visibility and participation
- Greenhouse Gas Emissions
 - Update analysis on Carbondale-specific emissions, sources, and report on progress
 - E-Board recommendations: help to reduce gas-powered lawn care equipment
- Clean Energy Economic Development and Jobs
 - Publicity and updated information on Carbondale's progress
 - Work with the Chamber of Commerce
 - Create a fact sheet/informational brochure
 - Help promote ongoing innovations and leadership roles

ADJOURNMENT

The February 14, 2023, regular meeting adjourned at 8:33 p.m. The next regular meeting has been scheduled on February 28, 2023, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST


Ben Bohmfalk, Mayor


Cathy Derby, Town Clerk

Jessica Markham

