

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
CARBONDALE TOWN HALL
AND VIA ZOOM
FEBRUARY 28, 2023
MEETING**

Mayor Bohmfalk called the Board of Trustees Regular Meeting to order on February 28, 2023, at 6:00 p.m.

ROLL CALL:

The following members were present for roll call:

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

Staff Present:

Town Manager	Lauren Gister
Town Clerk	Cathy Derby
Acting Town Clerk	Jessica Markham
Finance Director	Christy Chicoine
Town Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman
Police Chief	Kirk Wilson

CONSENT AGENDA

- Accounts Payable totaling \$357,824.89
- BOT 02/14/2023 Regular Meeting Minutes
- Liquor license Renewal – Pour House
- Pour House Modification of Premises – Street Side Dining
- Resolution No. 2, Series of 2023 – Chacos Park Planning Grant

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

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

SWEARING IN OF NEW TOWN CLERK

Outgoing Town Clerk, Cathy Derby Swore in New Town Clerk, Jessica Markham. Town Manager Lauren Gister read comments from former Mayor Stacey Bernot and former Town Manager Jay Harrington. Trustee Silverstein, Trustee Sparhawk, Former Mayor Dan Richardson, Lynn Kirchner, and Mayor Ben Bohmfalk also extended their gratitude and praise of the outgoing Town Clerk.

PERSONS PRESENT NOT ON THE AGENDA

Lynn Kirchner addressed the board about the declining state of the Post Office. She told the Trustees about past efforts of volunteers who have offered to help in the flower beds but were turned away by employees of the building. She believes the state of the post office is turning away businesses looking to move to Carbondale.

Trustee Silverstein informed her that there was nothing the Town could do about a Federal entity and encouraged her to contact Colorado Senators.

Mayor Bohmfalk agreed that contacting the Colorado Senators is a good next step.

TRUSTEE COMMENTS

Trustee Silverstein extended his condolences to the family and friends of Charles "Wick" Moses. He also stated that he attended the Tree Board Meeting, which is looking at a potential "adopt-a-garden" program and creating an inventory of trees on Main Street.

Trustee Sparhawk attended the CC4CA board meeting. That board is working on an updated policy agreement to be on their May agenda.

Trustee Kitching stated that The Mind Springs Health Foundation covering the funding gap to get the withdrawal facility built out. Initial seed funding of a \$750K grant from the State Office of Behavioral Health needs to be used by June 30th. She also stated that next Monday @ 6:PM virtual update on the Sweetwater Lake public access planning process and public feedback to help fine-tune a proposed action plan for the site. <https://cpw.info/sweetwater-lake-public-meeting> Trustee Kitching was also asked to stay on as vice-chair of Coventure as a community member.

Trustee Laird attended the Regional Housing Coalition which is submitting a grant for \$3 million.

Trustee Hassig echoed Trustee Silverstein's comments on Wick Moses. He also asked the Board if there will be a letter of support sent to Glenwood Springs in their protest of the potential Uinta Basin Railroad's plan to transport crude oil through Glenwood Canyon. The mayor asked Trustee Hassig to find or draft a letter saying such and that there is no reason to not support our neighboring community in their protest.

ATTORNEY'S COMMENTS

The Attorney did not have any comments.

MANAGER'S REPORT

Lauren informed the Board that Garco Emergency Communications Authority needs a board member volunteer to represent Carbondale at their annual board meeting. Trustee Hassig volunteered.

PUBLIC HEARING – New Liquor License – La Raza

Applicant: Carbondale Raza, LLC

Location: 580 W. Main St., Suite 100

La Raza owners Jordan White, Adam Malmgren, and Bradley Smith have applied for a new liquor license. The town clerk deemed the application complete, and all fees have been paid.

Jorden introduced the other owners to the Board. The Board asked if they are acquainted with Colorado's liquor laws – they are.

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

Trustee Silverstein made a motion to approve La Raza's application for a new liquor license. Trustee Yllanes seconded the motion and it passed with:

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

SPECIAL EVENT LIQUOR LICENSE – BLUE LAKE PRESCHOOL

Blue Lake Preschool has applied for a Special Event Liquor License for a 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 Blue Lake Preschool's Special Event Liquor License. Trustee Sparhawk seconded the motion and it passed with:

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

SPECIAL EVENT LIQUOR LICENSE – DUCKS UNLIMITED

Ducks Unlimited has applied for a Special Event Liquor License for a 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 Sparhawk made a motion to approve Ducks Unlimited's Special Event Liquor License. Trustee Silverstein seconded the motion and it passed with:

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

SPECIAL EVENT LIQUOR LICENSE – Crystal River Ballet

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

Jeni Ptacek, director of Crystal River Ballet School introduced herself to the board. The Board asked if she is acquainted with Carbondale's special event liquor laws – she is.

Trustee Hassig made a motion to approve Crystal River Ballet School's Special Event Liquor License. Trustee Sparhawk seconded the motion and it passed with:

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

SPECIAL EVENT LIQUOR LICENSE – KDNK 40th Birthday Bash

KDNK Carbondale Community Access Radio has applied for a Special Event Liquor License for a fundraiser 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 KDNK's Special Event Liquor License. Trustee Hassig seconded the motion and it passed with:

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

MOUNTAIN WASTE ANNUAL UPDATE

Doug Goldsmith from Mountain Waste presented the board with its contractually required annual update. He stated that Carbondale has one of the highest landfill diversion rates at 30% this year. Efforts to prevent the overloading of trash bins are proving to be effective as there was only one overloaded bin in the previous period. He also mentioned that the Mountain Waste App will send notifications about trash day to those who sign up. It also contains a recycling "wizard" that will inform customers of what can and can't be recycled. He also stated that 27% of the trash that was collected was recyclable and 32% was compostable.

He then asked the board if they had any questions.

Trustee Sparhawk asked if there is a way to get more information to the public about recycling rates and what more can be done to recycle and compost more. The mayor

commented that he would like to see what Mountain Waste can do to get the word out, as it is in the contract to advertise services and create items for public information. He said that he would like to hear about those efforts in next year's update.

The mayor then asked if it is true that some plastics that we are putting in recycling bins are being placed in landfills.

The representative from Mountain Waste explained that plastics numbers 1 & 2 are recycled while numbers 3-7 are not. He stated that while 3-7 are recyclable, there are virtually zero secondary markets for those types of plastics, so they are placed in landfills or burned to create energy. He also said that if plastic pieces are smaller than a deck of cards, they will also be considered trash, as it is too small to be picked out by sorting machines.

Trustee Hassig asked if Mountain Waste has had any trouble with bears in the area. Doug stated that the company had not had any reports of bear incidents in the past year.

RVR DRY-UP COVENANT

Kevin Schorzman explained that as part of the original development of RVR, water rights associated with the Lowline Ditch were conveyed to Crystal River Limited Partnership (the original developer of RVR) by Perry Sopris Ranch Partnership Ltd. Those water rights are now owned by the town. Those rights are subject to an operating agreement whereby they are utilized by the golf course operator for golf course and residential irrigation.

The portion of RVR that was irrigated by the Lowline ditch consisted of approximately 84.3 acres on the southwest side of RVR adjacent to the Perry Ranch which retained 33.3 acres. The water rights that were conveyed to the town allow for 51 acres, which left a balance of 33.3 acres within RVR that were not transferred to the town. These reserved water rights are now owned by Iron Rose Ranch, as a successor to the Perry Ranch.

Several years ago, the Iron Rose Ranch filed a water court application to change the legal place of use of these reserved water rights from the historical 33.3 acres in RVR to an alternate location above the Lowline Ditch alignment on Iron Rose Ranch. The town participated in this water court case to ensure that RVR's water rights were not negatively impacted. The town and Crystal Outdoors were asked to execute a dry-up covenant to document, acknowledge and confirm that 33.3 acres of land that was formerly irrigated with Lowline Ditch water within RVR will not be irrigated with this water in the future.

Town Attorney Mark Hamilton stated that in essence, these rights were extra and the release of them is not detrimental to the town.

Trustee Kitching asked if this was going to dry up the water in the ditch and have any effect on the surrounding wildlife.

Mark confirmed that the ditch will not be dried, and there will be no changes to the current ditch.

Trustee Laird made a motion to approve the dry-up covenant and authorize the mayor to execute the same. Trustee Sparhawk seconded the motion and it passed with:

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

8TH STREET PROJECT PHASE 2 BID

Kevin Schorzman explained to the board that in bids for the 2nd phase of the 8th Street project were due. This phase of the project includes a new sidewalk, mid-blocks bulb-outs at Merrill and Morrison Streets, and sharrows between Main Street and Village Road.

Only one bid was received for the project. In January 2022, this phase of the project was estimated at approximately \$420,000. Based on the bids for Phase 1 and inflationary pressures at the time, staff had recommended including \$550,000 in the 2023 budget for the project. The single bid received for the project was 29% higher than the budgeted amount and 69% higher than the estimated amount.

Kevin offered several options for the board's consideration and direction:

- Award the project as bid and use reserve funding to fill the gap between the budgeted amount and the project bid.
- Rebid the project in March or April
- Delay the project for one year and rebid next year in March or April
- Develop a plan to self-perform the work using current staff.

Mayor Bohmfalk asked how the last option would work with current staff. Kevin replied that in one year the bulb-outs could be completed, one year the sidewalk, etc.

Trustee Silverstein asked if it was feasible to start with public works, then rebid the project at a later date. Kevin replied that he thinks it is worth rebidding one more time.

Trustee Sparhawk asked if there was any communication as to why they did not bid. Kevin had not heard anything. Trustee Sparhawk asked if moving it to next year and packaging it with another project would make it more appealing to other contractors.

Trustee Hassig asked if the department would be able to staff a project of this size. Kevin replied that current Streets staff would be able to do the project in smaller chunks without too many implications to their other duties around town.

The mayor stated that he was inclined to start the project this year with in-house staff and equipment, stating that we could lose momentum if we wait another year to get a bid.

Trustee Silverstein asked about the timeframe of the project. Kevin replied that he would estimate 4 years to complete with in-house staff.

Mayor Bohmfalk stated that he would like Public Works to provide a work plan and that he would like to see the project started this year.

CHIP SEAL CONTRACT

Kevin Schorzman presented the trustees with the contract for the 2023 Chip Seal program. He explained that the work to be done will not include a fog seal, as it is not necessary and hasn't been done since 2018. The scope of the work is similar in size to last year's Chip Seal program.

Trustee Silverstein made a motion to approve and authorize the mayor to sign the 2023 Chip Seal Program agreement with GMCO, LLC. Trustee Hassig seconded the motion and it passed with:

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

CRACK SEAL CONTRACT

Kevin Schorzman presented the 2023 Crack Sealing Program. The lowest bid came in from Bonneville Asphalt & Repair at \$21,000 or \$2.10 per unit. This is 35% higher than last year's low quote.

Trustee Sparhawk motioned to approve and authorized the mayor to sign the 2023 Crack Sealing Program Agreement with Bonneville Asphalt and Repair, LLC. Trustee Kitching seconded the motion and it passed with:

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

MULTI-MODAL MOBILITY AND ACCESS PLAN REQUESTS FOR PROPOSALS

Kevin Schorzman presented the Multi-Modal Mobility and Access Plan (M3AP) request for proposals to the board of trustees. This draft is the culmination of three Bike Pedestrian and Trails Commission meetings.

Matt Gworek from the Bike Pedestrian and trails Commission was also in attendance to answer any questions the Board may have. He noted that the RFP is casting a wide net to gain the knowledge of the future consultant and that by its design, the RFP is open-ended.

The mayor stated that the town doesn't need another plan to make a plan. Kevin responded that the RFP specifically asks for solutions and outcomes, not another plan.

Trustee Laird motioned to authorize staff to advertise the M3AP RFP with any changes, additions or deletions discussed by the board. Trustee Sparhawk seconded the motion and it passed with:

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

ADJOURNMENT

The February 28, 2023 regular meeting adjourned at 8:10 p.m. The next regular meeting has been scheduled for March 14, 2023, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST



Jessica Markham, Town Clerk



Ben Bohmfalk, Mayor

