

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

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

**STUDENT OF THE MONTH**

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

Israel Castillon	Anjelin Turcios
Adrian Barraza	Juniper Mullett
William Pinkham IV	Juliet Irigoyeh

**ROLL CALL:**

The following members were present for roll call:

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

Staff Present:

Town Manager	Lauren Gister
Town Clerk	Jessica Markham
Finance Director	Christy Chicoine
Town Attorney	Mark Hamilton

**CONSENT AGENDA**

- Accounts Payable totaling \$ 340,052.13
- BOT 02/21/2023 Work Session Minutes
- BOT 02/28/2023 Regular Meeting Minutes
- Liquor License Modification of Premises – Allegria
- Retail Marijuana Store Renewal – Plum Manufacturing
- Medical Marijuana Store Renewal – Plum Manufacturing
- Website Renewal Agreement with Revise

Trustee Hassig asked if the Website can have a large Spanish button to translate the site. Town Manager Lauren replied that she is working with Revise to make something like that an option.

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

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

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

Richard Voltero of Carbondale spoke to the board about his experience with Canada Thistle and would like the Town to integrate the Nature Park into an organic place. He stated that he has had success with mechanically removing the thistle. He also implored the board to be very compassionate about the Michael Francisco case and to think of the best outcome for the town and its citizens.

Mayor Bohmfalk directed Mr. Voltero to speak with the town's Park Director about the thistle at the nature park.

### **TRUSTEE COMMENTS**

Trustee Silverstein informed the board that he attended the most recent Carbondale Chamber of Commerce meeting, where the Town Arborist gave a presentation about the trees on Main Street. He also noted that the Arts District will take over First Fridays from the chamber after this year.

Trustee Sparhawk also attended the Chamber of Commerce meeting and noted that there were two new members: Hazy Oak and WeCycle.

Trustee Yllanes attended the Parks & Rec Commission meeting. They are starting the capital campaign for the pool. The Art around Town reception is scheduled for June 1<sup>st</sup>.

Trustee Hassig congratulated those who were involved in the Fashion Show. He also expressed his sympathies to the friends and family of Julia Marshall, a Carbondale Native who gave many contributions to the community over her lifetime.

Trustee Laird will be attending the Regional Housing Summit in Aspen on March 22<sup>nd</sup>. He also attended the Colorado Association of Ski Towns meeting in Denver, where he joined the Housing Task Force. He also reported that RFTA joined the Regional Housing Coalition.

Trustee Kitching attended the SWIM (detox facility) meeting and stated they are not ready to match the proforma and will meet again in two weeks.

Mayor Bohmfalk congratulated the Town on another successful First Friday. He mentioned that a new store had opened next to Bonfire Coffee. He also attended the RFTA meeting and stated that their goal is to transition their fleet to be 1/3 electric, 1/3

natural gas, and 1/3 diesel vehicles. He also stated that Dan Blankenship has signed on to be CEO of RFTA for another 4 years.

### **ATTORNEY'S COMMENTS**

The Attorney did not have any comments.

### **MANAGER'S REPORT**

Lauren stated that the Garfield County Housing Authority conducted its lottery drawing for a unit that was up for sale in Carbondale. She stated that the Authority received 99 applications for the affordable housing unit, which was the most they've ever seen, highlighting the need for housing in the area.

She stated that WeCycle is moving forward and should go live with their bike share program this summer depending on the availability of parts.

The Town Center and ArtSpace RFP is out now and due back next week. Art Space will be updating the board in May.

She also stated that the pool proposals each received 3 bids and Wember is interviewing now.

The Mayor asked Trustee Laird to be present at the pool conversations.

### **PROCLAMATION: NATIONAL DONATE LIFE MONTH**

Jessi Rochel, Executive Director of the Chris Klug Foundation, spoke to the board about the importance of life-saving organ and tissue donation. Mayor Bohmfalk read a few passages from the National Donate Life Month Proclamation, proclaiming April 23 as National Donate Life Month.

### **SPECIAL EVENT LIQUOR LICENSE – 5 POINT FILM FESTIVAL**

Trustee Yllanes recused himself.

Aly Sanguily, Charlie Turnbull, and Tracy Wilson presented some of the highlights and changes to the upcoming 5 point Film Festival. They have hired security and will have 10-14 volunteers along with 2-3 paid security staff, under the Town's new Event Security regulations. Trustee Silverstein asked them to provide feedback after the event so the town knows how the new regulations are working.

Trustee Silverstein made a motion to approve the special event liquor license for the 5 Point Film Festival. Trustee Hassig seconded the motion and it passed with:

*6 yes votes: Hassig, Silverstein, Sparhawk, Bohmmfalk, Kitching, Laird*

Trustee Hassig made a motion to approve waiving the stage fees associated with the film festival. Trustee Sparhawk seconded the motion and it passed with:

*6 yes votes: Laird, Hassig, Bohmfalk, Kitching, Sparhawk, Silverstein*

### **SPECIAL EVENT LIQUOR LICENSE – COLORADO ANIMAL RESCUE**

Wes Boyd, Executive Director, and Michelle Marlow informed the board of their plans for the May First Friday event at Chacos Park.

Trustee Silverstein made a motion to approve the Special Event Liquor License. Trustee Yllanes seconded the motion and it passed with:

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

### **MODIFICATION OF PREMISES – PLUM MANUFACTURING**

No parties were present representing Plum Manufacturing. Mayor Bohmfalk asked the Clerk if she could provide insight into the request. Jessica stated that the company was looking to make its manufacturing facilities smaller. They are planning to rent the space to a catering company.

Trustee Kitching asked if there was any concern about having a catering company next to a marijuana manufacturing facility. Jessica stated that catering is an approved use for the space and that the unit being rented will be completely sealed off from the manufacturing facilities, with separate entrances and utilities.

Mayor Bohmfalk stated that it would have been beneficial to have a representative from the company to answer specific questions, but it was not a requirement.

Trustee Sparhawk made a motion to approve the Modification of the Premises of Plum Manufacturing. Trustee Laird seconded the motion and it passed with:

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

### **SHORT TERM RENTAL LICENSING AND COMPLIANCE**

Lauren presented the board with the current status of the short term rental licensing program. She stated that there are currently 65 licensed units in Carbondale. Approximately 2/3 of those appear to be second homes or investment properties. There are currently only three owners with multiple licenses, and all are multiple units in the same building (duplex, condo, or house with ADU).

She stated that it would be difficult to determine how many more STRs are being advertised that are not in compliance. She believes that there are a few unlicensed units still operating. The staff has researched compliance platforms and proposed contracting with GovOS's "Short Term Rental Solution". Staff is currently using MuniRevs financial accounting software, also by GovOS. The two software programs would work

seamlessly together to enable compliance monitoring and short-term rental tax collection.

Lauren stated that the software comes with a cost of \$18,000 for the first year. However, this program will increase accessibility and help move the town toward a less paper-driven service model.

Lauren also brought up some issues with the current wording of the current ordinance and reminded the board that discussions on updating the ordinance need to happen this summer.

Mayor Bohmfalk stated that the board should talk about the digital platform first.

Trustee Silverstein stated that while \$18,000 is a lot of money, it is less than hiring a staff member to conduct the needed tasks.

Mayor Bohmfalk confirmed that the fees would come from the licensing fees, and not the tax collected.

The discussion then came to updates to the code itself. Ben asked if any of the board members heard of any requests for changes or complaints from citizens.

Trustee Sparhawk Stated that grandfathered license would draw in a lot of people, and asked staff to report on any feedback they've received.

Mayor Bohmfalk stated that he does not anticipate taking away licenses.

Trustee Yllanes asked if it was permissible for an investor to build a property strictly for the purpose of short-term rental. Lauren responded that the Historic Commercial Core was designated for this purpose.

Trustee Sparhawk asked that staff provide a map of current licenses.

Mayor Bohmfalk asked if implementing this software could mean seeing data by May, Lauren responded that the Board would definitely have data by May.

Trustee Kitching asked if HOA's can adopt their own rules regarding Short Term Rentals. Lauren stated that, yes, an HOA can adopt their own rules, but if it is in town limits, it needs to follow town laws. Ben clarified that an HOA can be more restrictive than town laws, but not less.

Ben concluded that going forward, topics to touch back on are:

- The HCC. How is this working, what will it look like going forward?
- Will properties that are currently grandfathered, be allowed in perpetuity?
- Town would like to see data from Colorado Association of Ski Towns (CAST) as well as the new software.
- Discuss concerns about one owner owning multiple properties and licenses.
- Are there any exceptions that will be allowed?
- Discuss whether ADUs will be allowed, licenses.

Trustee Silverstein made a motion to approve the execution by the Town Manager of the Short Term Rental Solution Agreement with GovOS for Short-Term Rental Identification, Licensing, and Compliance. Trustee Laird seconded the motion and it passed with:

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

**EXECUTIVE SESSION- MICHAEL FRANCISCO V. CITY MARKET, INC., ET AL CASE**

Trustee Silverstein made a motion to go into an Executive Session at 7:45 p.m. for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Trustee Kitching seconded the motion and it passed with:

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

Trustee Sparhawk made a motion to adjourn the Executive Session and return to the regular meeting at 8:32 p.m. Trustee Kitching seconded the motion and it passed with:

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

**ADJOURNMENT**

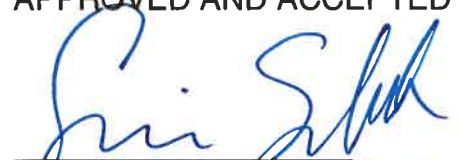
The March 14, 2023, regular meeting adjourned at 8:35 p.m. The next regular meeting has been scheduled on March 28, 2023, at 6:00 p.m.

ATTEST

  
\_\_\_\_\_  
Jessica Markham, Town Clerk



APPROVED AND ACCEPTED

  
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Ben Bohmfalk, Mayor - Pro-Tem  
Erica Sparhawk