

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
CARBONDALE TOWN HALL  
AND VIA ZOOM  
JANUARY 11, 2022  
MEETING**

Mayor Richardson called the Board of Trustees Regular Meeting to order January 11, 2022, at 6:00 p.m.

**STUDENT OF THE MONTH**

The following students from Crystal River Elementary School and Carbondale Middle School were presented a Certificate of Achievement Award from Mayor Richardson:

Sammy Gonzalez Rea  
Jayden Gomez

Olivia Rullet  
Nataly Ruiz-Magana

**ROLL CALL:**

The following members were present for roll call:

Mayor  
Trustees

Dan Richardson  
Ben Bohmfalk  
Marty Silverstein  
Lani Kitching  
Heather Henry  
Luis Yllanes  
Erica Sparhawk

Student Trustee

Boden Hamilton

Staff Present:

Interim Town Manager  
Town Clerk  
Finance Director  
Parks & Recreation Director

Kevin Schorzman  
Cathy Derby  
Rena Gustine  
Eric Brendlinger

**CONSENT AGENDA**

- Accounts Payable totaling \$ 559,099.38
- BOT 12/14/2021 Regular Meeting Minutes
- BOT 12/21/2021 Work Session Minutes
- BOT 12/28/2021 Regular Meeting Minutes
- Resolution No. 1, Series of 2022 – Establishing a Public Place for Posting Notices

- Resolution No. 2, Series of 2022 – Authorizing the Town Clerk to Appoint Election Judges
- Recommendation for Appointment and Reappointment – Environmental Board
- Liquor License Renewal – Village Smithy
- Liquor License Renewal – The Goat
- Liquor License Renewal – 450 Teppanyaki
- Liquor License Renewal – Rhumba Girl Liquors
- Liquor License Renewal – American Legion

Mayor Richardson asked that the Recommendation for Reappointment to the Environmental Board be pulled from the Consent Agenda for discussion.

Trustee Bohmfalk stated that he is glad that the trash overage charges continue to go down.

Trustee Silverstein made a motion to approve the Consent Agenda with the exception of Item g. Trustee Yllanes seconded the motion and it passed with:

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

#### Recommendation for Reappointment to the Environmental Board (EBoard)

Mayor Ricardson explained that he is questioning whether he and the Board want to re-appoint Patrick Hunter to the Eboard.

Mayor Richardson opened the discussion to public comment.

Fred Malo stated that Patrick encouraged him to apply to the EBoard. Fred can't imagine the EBoard without him.

Scott Mills, EBoard member, stated that he and Patrick joined the EBoard seven years ago. Pat's activism has had a major positive impact on the community. He supports re-appointing Patrick to the EBoard.

Colin Quinn, EBoard Chair, stated that the EBoard voted unanimously to re-appoint Patrick to the Board. He appreciates Patrick's passion.

Frosty Merriott, EBoard member, stated that he supports Patrick's re-appointment. He's passionate about climate change and passion is a good thing. In Frosty's previous experience as a Trustee, he never saw the Trustees overturn an Advisory Board recommendation for re-appointment.

Mayor Richardson stated that he struggles with the idea of re-appointing Patrick. He agrees with everything that has been said about Patrick, and he believes he has been an asset. However, his behavior has crossed the line and his behavior questions if he and the Board have a working relationship.

Trustee Henry stated that she appreciates Colin's comments and Patrick's responses to her questions. She explained that as a member of the Board of Trustees you have to pursue a lot of efforts. It is extremely demoralizing to be told you are not doing enough. Threatening to sue the Town is not appropriate even if it's a call to action. We are all trying to move forward.

Trustee Bohmfalk made a motion to appoint Fred Malo and re-appoint Patrick Hunter to the Environmental Board. Trustee Henry seconded the motion and it passed with:

*6 yes votes: Yllanes, Henry, Bohmfalk, Kitching, Sparhawk, Silverstein*  
*1 no vote: Richardson*

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

Scott Mills told the Board that he is leaving the Valley after living here for 50 years. In that time he has seen a lot of great change.

Jennifer Hall, Carbondale, stated that she doesn't want Carbondale to reinstate a mask mandate.

Lyn Uhl, Carbondale, stated that the two huge utility boxes at the intersection of Hendrick Drive and Main Street create a safety hazard and she requested the Board address this item on a future agenda. The Board agreed not to put this item on a future agenda, but they asked staff to provide an update on the situation.

Janet Corsey, Carbondale, asked the Board to conduct a baseline study of the number of cars and their speeds on Morrison Avenue prior to beginning the 8<sup>th</sup> Street construction.

Jolanda Mendez, Carbondale, stated that masks are not effective to prevent COVID and during the last mandate they caused a lot of anger and tension. People should have the freedom to decide if they want to wear a mask.

Mayor Richardson responded that the Board does not plan to reinstitute the mask mandate.

### **TRUSTEE COMMENTS**

Trustee Silverstein stated that he has received several emails and phone calls encouraging him and the Board to reinstate the mask mandate. He stated he is not in favor of it because it cannot be enforced. He encouraged everyone to get vaccinated. Trustee Silverstein stated that First Friday was a very nice event. Trustee Silverstein stated that City Market's shelves are empty, and they lack employees. He encouraged everyone to shop locally. Trustee Silverstein stated that all advisory boards need to have good communication with the Trustees, and they need to be civil.

Trustee Henry informed the Board that the Affordable Housing Coalition met at the end of 2021 and formed a Steering Committee. An up valley government received a

housing planning grant and the Aspen Institute is organizing a housing summit – momentum is growing.

Boden Hamilton stated that a mask mandate is unenforceable and masks are not effective in preventing COVID.

Trustee Kitching stated that she will be seated on the Wildlife Council tomorrow.

Trustee Sparhawk acknowledged the Marshall Fire in Boulder County. Over 900 homes were destroyed. She stated that Boulder County is one of Colorado Communities for Climate Change's biggest members. The disaster makes you ask what are we prepared for?

Mayor Richardson stated that Town Manager Lauren Gister begins her job on Monday. The Mayor is trying to figure out the best way to introduce her to the community. Mayor Richardson attended a Zoom meeting with Maria Alvarez and members of the Latinx community. He thanked everyone who participated. He asked the Board do we want to find another translator for the Trustee meetings? Mayor Richardson told the Board there is one more Trustee opening for the Manaus Equity Project training.

### **ATTORNEY'S COMMENTS**

The Attorney did not have any comments.

### **RESOLUTION NO. 3, SERIES OF 2022 – TABOR QUESTION ON FINANCING THE AQUATICS FACILITY**

Financial Advisors Mattie Prodanovic and Jason Simmons of Hilltop Securities, along with Attorneys Kim Crawford and Dalton Kelly of Butler Snow, were present for the meeting.

Eric explained that at the December 14, 2021, meeting the Board directed staff to prepare bond ballot language to finance the aquatic facility for review at the January 11, 2022, meeting.

Mattie presented the ballot language to the Board and explained that the wording provides a great deal of flexibility as it includes all three proposed debt service options. The measure also clarifies that there will not be any tax rate increases, or any new taxes.

Discussion ensued.

Trustee Bohmfalk stated that people are going to question where the money is coming from and whether it should be used for something else (affordable housing, climate action). Yet the Board knows that the money is coming from the recreation sales and use tax and cannot be used for anything other than recreational purposes. He noted we don't want a pool that becomes a drain on our limited resources. It is important that

the Board makes it clear that this is the top priority for the recreation fund. Trustee Bohmfalk asked what happens if the bond measure fails? Eric stated that the pool is approximately 45 years old and will soon become inoperable.

Trustee Henry asked if staff and the Parks and Recreation Commission are looking for other revenue sources (grants, fundraising)? Eric answered yes.

Trustee Bohmfalk suggested that the additional clarifying language "to replace the existing facility" be added to the end of the ballot question; the Board agreed.

Trustee Yllanes made a motion to approve Resolution No. 3, Series of 2022 with the amendment noted above. Trustee Sparhawk seconded the motion and it passed with:

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

### **LETTER OF CREDIT REDUCTION #2 – MAIN STREET MARKETPLACE**

Kevin explained that Main Street Marketplace has requested a second Letter of Credit reduction for public improvements. The majority of the public improvements secured by the Letter of Credit have been completed with the exception of landscaping along Main Street, some of the soft trail work required by the DIA, and some of the smaller water service lines.

Staff has reviewed the request, as well as the work completed to date, and agrees with the request to reduce the Letter of Credit by \$146,286.62. Staff believes that the completion of all incomplete public improvements will remain adequately secured by the remaining security if the Board approves the requested reduction.

Trustee Bohmfalk made a motion to approve the partial release of \$146,286.62 of the Letter of Credit for the public improvements related to the Main Street Marketplace project. Trustee Kitching seconded the motion and it passed with:

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

### **SECURITY REDUCTION – CARBONDALE CENTER PLACE LOT 1**

Kevin explained that the total security to ensure proper demolition of the Sopris Shopping Center and completion of public improvements associated with Carbondale Center Lot #1 was valued at \$445,218.98. The developer posted a cash security for the project.

Staff received a request to reduce the security to \$134,707.65 for the public improvements related to Lot 1 of the Carbondale Center Place project. Staff has been involved in observing the work completed to date and has reviewed all test results. Therefore, staff agrees with the request to reduce the security.

Trustee Silverstein made a motion to approve the partial release of \$310,511.30 of the security for the public improvements related to Lot #1 of the Carbondale Center Place project. Trustee Bohmfalk seconded the motion and it passed with:

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

### **SECURITY REDUCTION – CARBONDALE CENTER PLACE LOT 2**

Kevin stated that the total security to ensure proper demolition of the Sopris Center and completion of public improvements associated with Carbondale Center Lot #2 was valued at \$267,014. The developer posted a cash security for the project.

The demolition and the Colorado Avenue Sewer project were completed satisfactorily. Therefore, staff agrees with the request to reduce the security to \$75,320.85

Trustee Kitching made a motion to approve the partial release of \$191,693.15 of the security for the public improvements related to Lot #2 of the Carbondale Center Place project. Trustee Bohmfalk seconded the motion and it passed with:

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

### **8<sup>TH</sup> STREET UPDATE**

Trustee Henry, who lives on 8<sup>th</sup> Street, recused herself and left the meeting.

Kevin gave an update on the construction plans and cost for the 8<sup>th</sup> Street improvement project. When the initial improvement concepts were being discussed in April of 2021, the different options were estimated to cost between \$500,000 and \$685,000. Following the September, 2021, meeting, the project was refined based on feedback from the Board. A preliminary project cost estimate was created, and the total project cost is currently estimated to be \$931,000. The 2022 Capital budget includes \$500,000 for the project and \$55,000 for storm water improvements.

Since the current estimated cost of the project is almost double the 2022 budget, staff and the consultants have been working on potential phasing so the project could be completed in two different phases. The advantage of phasing the project is it spreads the cost over two years.

The Board was comfortable moving ahead with the phasing plan.

### **GARFIELD COUNTY EMERGENCY COMMUNICATIONS AUTHORITY (GCECA) BOARD OF DIRECTORS APPOINTMENT**

Kevin stated that the Town has been a member of GCECA for several years. The Town of Carbondale has been selected to have an elected official on the GCECA Board of Directors for 2022.

Trustee Silverstein volunteered to sit on the GCECA Board.

Trustee Sparhawk made a motion to appoint Trustee Silverstein to the Garfield County Emergency Communications Authority Board of Directors. Trustee Kitching seconded the motion and it passed with:

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

**SPECIAL EVENTS TASK FORCE 2022 RECOMMENDATIONS FOR SPECIAL EVENTS AND STREET CLOSURES**

Trustee Yllanes, who works for 5 Point Film Festival (a special event organization), recused himself and left the meeting.

Eric told the Board that the Special Events Task Force met to discuss the 2022 special events and street closures. Due to COVID-19, all events depend on the public health orders at the time of the event and are subject to change. The list of special events and street closures was provided in the Trustee Packet.

The Trustees thanked Eric and the Special Event Task Force for their work.

Trustee Bohmfalk made a motion to approve the 2022 special events and street closures as recommended by the Special Events Task Force if they align with the public health orders at the time of the event. Trustee Silverstein seconded the motion and it passed with:

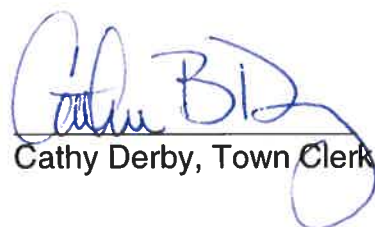
*7 yes votes: Sparhawk, Henry, Yllanes, Richardson, Kitching, Silverstein, Bohmfalk*

**ADJOURNMENT**

The January 11, 2022, regular meeting adjourned at 8:30 p.m. The next regular meeting has been scheduled on January 25, 2022, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST

  
Cathy Derby, Town Clerk



  
Dan Richardson, Mayor