

**MINUTES
CARBONDALE PARKS & RECREATION COMMISSION
October 13, 2021**

Hollis Sutherland called the in-person/virtual meeting of the Carbondale Parks & Recreation Commission to order at 7:00 p.m. at Carbondale Town Hall on October 13, 2021.

ROLL CALL

The following members were present for roll call:

Members:	Hollis Sutherland, Chair Rose Rossello, Vice Chair Leslie Keery, Member Ashley Hejtmanek, Member Susan Rhea, Member John Williams, Member Misha Logan, Youth Member Brian Soby, Alternate
Town Staff Present:	Eric Brendlinger, Parks & Recreation Department Director Jessi Rochel, Recreation Center & Recreation Programs Manager Kae McDonald, Boards & Commission Clerk
Guests/Attendees:	Becky Moller Amy Fulstone Tracy Wilson

CONSENT AGENDA

Motion Passed: Susan *moved* to approve the minutes from the September 8, 2021, meeting. Rose *seconded* the motion, and it was *unanimously approved*.

ITEMS FROM CITIZENS PRESENT NOT ON THE AGENDA

There was no one present, not on the agenda, to address the Commission.

**PARKS & RECREATION COMMISSION RESOURCE GUIDE SUNSHINE LAWS REVIEW AND DISCUSSION:
OPEN MEETING REQUIREMENTS**

Hollis opened the topic by noting that the resource guide included a wide variety of information including quick links, meeting dates and start times, and a brief overview of sunshine laws. She noted that it contains a lot of information and Rose will be leading training on a topic every month.

Rose pointed out that when she joined the commission, no information of this sort was provided, and she appreciates having the information in one place. Rose noted that she has a Master's in Education, and she was happy to pull together a lesson plan on Colorado's Sunshine Laws. Rose explained that the purpose of sunshine laws is to shed light on what happens in meetings:

- Disclose all the information you have
- Do nothing in secret
- Be willing to be held accountable
- The public has a right to be at meetings and have the same information that you have

Rose then shared the brief descript of Sunshine Laws included on page 16 of the Parks & Recreation Advisory Commission Member Resource Guide:

“Sunshine laws are regulations requiring transparency and disclosure in government or business. Sunshine laws make meetings, records, votes, deliberations, and other official actions available for public observation, participation, and/or inspection. Sunshine laws also require government meetings to be held with sufficient advance

notice and at times and places that are convenient and accessible to the public, with exceptions for emergency meetings.

Sunshine laws stipulate that certain business operations or government activities provide open transparency and disclosure to the public or upon inquiry. The purpose of these laws is to promote ethical standards, prevent fraud and corruption, and by doing so engender greater public trust. Examples of sunshine laws include mandatory corporate reporting to the SEC and the Freedom of Information Act (FOIA).”

Rose hopes to have a representative from a local law firm or a representative from the Colorado Bar Association attend a future meeting for more training on the sunshine laws.

Questions/Comments:

Susan asked whether she was violating the tenets of the Sunshine Law if she arranges a meeting with various TOC staff to discuss Senior Matters.

Eric referred to the packet handout that provides a definition of the open meeting requirement and details what is possible for a local body. He noted that the Colorado Supreme Court has held that “a meeting must be part of the policy-making process to be subject to the requirements of the Open Meetings Law” so if you are just gathering information, meeting with TOC staff is fine. He added that staff are also not part of the commission, so it is okay to talk with them.

Rose pointed out that the Parks & Recreation Commission is also an advisory board, so their recommendations are forwarded to the Board of Trustees for a final decision.

Susan clarified that this discussion was prompted from a recent use of a secret ballot.

Eric explained that they received incorrect information from the Town Manager; after the event, the Town Attorney researched the topic in depth and brought it to the Board of Trustees. The BOT discussed the situation and decided that in the event there are more applicants than vacancies, the appointment of commission members would rest solely with the BOT.

Ashley commented that it is a good refresher for everyone and is something that needs to occur regularly.

Rose noted that there are online courses available if anyone is interested in taking one.

Ashley noted that the Historic Preservation Commission has certain certifications and members must undergo training to maintain certification.

Becky advised commission members to be careful because Rose is not legally authorized to give advice. She pointed out that even if an attorney comes in, they can only provide general information. (**Please see the below email from Becky Moller to select members and staff of the Parks & Recreation Commission**)

Hollis explained that the point was to give an overview, and everyone must do the best they can to police themselves against unintentional consequences. She would like to pursue more training.

Rose added that she doesn’t want anyone to be afraid to say something.

Ashley suggested all the boards and commissions go through training provided by the Town.

John suggested contacting the Town Attorney for bullet points.

Hollis pointed out that there are four quick links in the handbook that provide additional information.

Brian suggested having the Town Attorney develop procedures that the commission members can follow.

From: REBECCA MOLLER <rebeccamoller@comcast.net>
Sent: Wednesday, October 13, 2021 11:47 AM
To: Hollis Sutherland <hollis.sutherland@gmail.com>; Eric Brendlinger <ebrendlinger@carbondaleco.net>
Cc: Luis Yllanes <lyllanes@carbondaleco.net>; happymtnrose@gmail.com; Dan Richardson <drichardson@carbondaleco.net>
Subject: Fwd: Re: BOT meeting August 24, 2021

Hollis and Eric. Please provide the P&R commissioners with the below information regarding the Colorado Open Meeting Law discussion at the meeting tonight and please include it in the minutes from the meeting.

Hello, commissioners. I see that there will be a discussion about the open meeting law at the meeting tonight. However, I also see that the information being provided to you does not discuss secret ballots at all. Nor did Hollis or Eric address secret ballots at the last meeting or respond in any way to my previous letter.

I pulled my application and did not make the vote come back to you because I was assured this information regarding the secret ballots and the violation of the Open Meeting Law would be relayed to you in no uncertain terms. That didn't happen and still hasn't happened. Maybe, if you had to redo the vote, there would actually have been some discussion about the situation and someone on the commission would have requested some accountability. Or, at the very least, an apology. However, since accountability appears to be lacking, I have forwarded the email I sent to Hollis and Eric and the town in August with the statute showing that the secret ballot was illegal. The full section of the statute is also attached. You can clearly see that the vote was illegal.

I also think it is important for you to know what the outcome of the August 24 BOT meeting since it does not appear this information is being relayed to you either. First, secret ballots are not to occur in any future commission vote. Here is an excerpt from the minutes (full minutes are also attached):

The Commissioners voted by anonymous paper ballot. Upon further legal review it was discovered that the USE OF SECRET BALLOTS IS NOT PERMISSIBLE UNDER THE COLORADO OPEN MEETINGS LAW AND WILL NOT BE USED IN FUTURE COMMISSION VOTES. (Emphasis added).

Second, in the future, when a commission has more applicants than positions, commissions will no longer be voting on membership.

This information should be in your resource guide and you should be asking why it wasn't included.

The Open Meeting Law is a complex law. However, it is very easy to not violate it by keeping in mind four simple points:

1. Disclose all the information you have. Do not try to hide anything.
2. Do not do anything in secret. Everything should be in public view.
3. Be willing to be held accountable.
4. The public always has a right to be at your meeting and to information you have.

I pulled my application because I did not want to be part of a commission where the leadership feels it is okay to violate the open meeting law and withhold information from commission members.

In the last three meetings alone, this leadership has done just that and you have proof of it. You can go back and watch the video of the August 24 BOT meeting and hear what Jay's actual recommendation was regarding secret

ballots, you can see they didn't provide you with the information I provided them about secret ballots (or any information about secret ballots at all), and they didn't inform you of the outcome of that August 24 BOT meeting. If I were you, I would have some serious reservations about if the information provided to you by the leadership is full and accurate.

Thank you, Becky

ROARING FORK PICKLEBALL ASSOCIATION ANNUAL REVIEW

Val Snearly, President of the Roaring Fork Pickleball Association, attended the meeting for their annual review; she began by noting that the pickleball association had paid off the remainder of the court debt in September. She also provided several milestones:

- Membership in 2019 was 199 members, in 2020 it was 165 and in 2021 membership is at 264 members.
- The club offered a “Pickleball 101” class twice per week for four weeks. There were at least 12 people in each class and at least half of those taking the class joined the club.
- Approximately 60 members are summertime participants only.
- They expect to grow by at least another 100 members by next season.
- Courts are always in use and many times in the summer there are 12 to 16 people waiting to play.
- They had 115 participants for the tournament and a lot of RFBA-members as volunteers, so they had over 200 people at the courts on Saturday and more than 150 on Sunday.
- The tournament brings a lot of people to Carbondale, but they were disappointed there wasn't a lot of participation from local restaurants in providing discounts. They would like to see if they can get more.
- They are hoping to develop two tournaments—one in August and one in September—with the August tournament being the bigger one. They would like to hire out running the August tournament.

Questions/Comments:

Eric asked if Val knew the dates for the 2022 tournaments—he would like to include them in the upcoming Special Events committee meeting as well as on next year's Special Event Calendar.

Val replied that because a lot of the tournaments are earlier in the spring and summer, they would like to keep their larger tournament the third weekend in August and the smaller one (part of the Alpine Bank Series and that the Rec Center helped run) in September.

Hollis asked how many participants it brought to Carbondale.

Val responded that the most recent tournament hosted 98 participants, but they would like to encourage more participation.

Hollis followed up by asking how many RFPA participate in the out-of-town tournaments.

Val replied that they typically have a good showing and while it was hard to guess how many, she estimates between twelve and sixteen teams of two depending on the time of year. She noted that during the hotter months there are usually fewer participants.

Hollis asked if it was possible to grow the September tournament to include 24 to 32 people from four or five neighboring communities.

Val thought it was possible and noted that as word gets out that Carbondale's pickleball courts are premium surfaces more people will want to come and play on them, especially for a tournament. She noted that they are the best courts between Grand Junction and Denver and the playing surface is a definite draw.

Hollis asked if there was anything the Parks & Recreation Commission could do to help grow the tournament.

Val wasn't sure, other than word of mouth. She added that having access to twelve courts helped the popularity of the tournament—they use one court for warm-ups, the other courts for the round robin, and the medal matches on the Callaway courts. She would like the cracks in the Darien courts to be repaired. She wondered if it was possible for the Parks & Recreation Department to hire an outside entity to run the tournament but noted that they don't want the tournament to get so big teams have to wait to play.

John commented that he was pleased with the ability of the group to grow the association and the tournaments.

Val replied that this was a challenging year because the RVR tennis court repair limited the pickleball association's use of the Darien courts.

Eric pointed out that he wanted to make sure the new commission members were aware that the Parks & Recreation Department has a Memorandum of Understanding with the Roaring Fork Pickleball Association. He thought that it was working well and there is a tiered priority use with the Town of Carbondale activities first, the RFPA second and public access third; the pickleball association negotiated for 28 hours of exclusive use.

Richard Camp commented that he drew the plans for the pickleball courts and noted that in the Parks Master Plan that area was originally slated to contain ten soccer fields. He added that because the pickleball courts are there, there is no room for any soccer fields.

Ashley responded that in their deliberations about the pickleball courts, they referred to the Master Plan many times and ultimately concluded that soccer could be accommodated at other facilities, but there wasn't any other place to build the pickleball courts.

MARKETPLACE LOFTS PUBLIC PARK LAND DEDICATION DISCUSSION: Richard Camp and Bob Schultz

Bob introduced the topic by noting that with new commission members onboard since 2018, he wanted to share the proposal. The project area is located between the new City Market and Main Street; it is all owned by a single entity. One building is currently occupied, one building will be open for occupants in January, one building will be open in the Fall of 2022 and the fourth building will be open for occupants in late 2022. When project planning began in 2018, the commons area was intended to be private, however, in 2019 the Town of Carbondale amended the Unified Development Code and condominiumization now must comply with a public/private split in access. The park will be situated over a large subterranean storm drain and will include a passive area, gazebo and futsal court; public parking will be located along Shorty Pabst road and the interior private parking will be assigned by unit. With the public/private split, the property owners retain title to the park area and is responsible for maintenance and upkeep. Bob and Richard are asking the commission members for approval to craft a development agreement that is similar to a Memorandum of Understanding for the public access easements and parking.

Questions/Comments:

Leslie asked about bike access.

Bob noted that there is a trail connecting Main Street to the City Market bike parking area.

Richard added that it is located on the east side of the property, traveling in a north-south direction to bisect the property.

Susan asked about pedestrian access.

Richard confirmed there will be pedestrian access and Bob added that the sidewalks are all public access. Richard pointed out that there will also be several "pocket" parks located along Main Street. Bob added that in terms of the 15% public requirement, the central park satisfies that requirement.

Hollis asked if food gardens will be available for the residents.

Bob replied that that piece will be figured out later.

Susan pointed out that the requirement is 25%, noting that all the little pieces comprise 10% of the requirement while the central park comprises the 15%.

Ashley suggested that it would be useful to know what other entities have a similar Memorandum of Understanding with the Town of Carbondale.

Eric responded that River Valley Ranch has Development Agreements for Orchard and Triangle Parks. He added that these agreements are challenging because the language states that the parks be maintained at the level when originally built, so if elements are added it is because of TOC necessity (for example, replacing park equipment at the end of its usefulness). Eric also noted that another challenge is that other regulations (the Weed Management Plan, for example) are not being adhered to. Eric asked Bob and Richard if the property owner would be willing to allow rentals under a development agreement.

Bob responded that he wasn't in the position to address details but is willing to address the issue during negotiations. He added that given the limited public parking, a Futsal tournament would be unlikely, but they may be able to accommodate league play.

Ashley added that another concern is regular playground equipment inspections and maintenance which often got overlooked at the RVR playgrounds.

Richard replied that the current plan is for rubber pour-in-place in the playground area. He noted that they are currently in the process of picking playground equipment. He added that the stormwater reservoir underneath the park area will capture water from the entire parking lot and is sized to accommodate a big event. He pointed out that there will be a berm in place to obscure cars parked under Building J.

Hollis asked if the rubber pour-in-place is ADA accessible.

Ashley confirmed that it was.

Richard explained that there will be turf next to the playground, but there will be native landscaping throughout the remainder of the development to limit water consumption.

Hollis followed up by asking if the playground equipment meets universal design requirements because that is something the Commission is beginning to consider.

Richard wasn't sure and asked that information on universal design requirements be provided now because they are in the process of selecting the playground equipment. He added that a variety of pieces are being selected to satisfy a range of ages. Richard confirmed that the park area will be 3300 square feet and the futsal field measured 60 feet by 104 feet; the futsal field will be covered with synthetic grass.

Susan asked why the fence only wrapped around partway.

Richard answered that it was mostly to keep errant balls from rolling into the parking lot.

Susan asked whether the field would be in use most of the time and wondered if it could be used for other sports such as soccer or lacrosse.

Misha replied that if the goals are fixed the field would be specifically for futsal. He pointed out that lacrosse is played on the fields near the Third Street Center.

Hollis asked if the development agreement would state that the TOC has access to the field.

Eric replied that the language will be like other development agreements and lay out priority of use. He noted that that priority might change or might be flipped so that management has priority over TOC/public use.

Misha asked if the gazebo would be rented out.

Eric confirmed that would be a possibility.

Leslie asked how many parking spaces were allotted per unit and how would management monitor the number of spaces used.

Richard responded that that would be up to management.

Bob added that the internal parking would be assigned to residents with a few spaces allotted for guests and public parking would be available along the outer edges.

Ashley asked if the TOC would be responsible for enforcing the public parking.

Bob noted the parking limit is 48 hours but wasn't sure who would be responsible for enforcement.

Leslie followed up by asking if there would be electric vehicle outlets and public restrooms.

Bob replied that conduit for EV chargers was installed, but there won't be any public restrooms.

John pointed out that if there aren't any public restrooms that effectively eliminates public use.

Bob noted that there will be restrooms available in the commercial areas and reiterated there aren't any plans to include some at the park.

John replied that businesses can't be counted upon to open their restrooms to the public. He asked how many occupants will be housed in the complex at build out.

Bob responded that there will be 115 apartments along with commercial space; at the estimated 2.53 people per household in the latest Carbondale census that is an estimate of 290 occupants.

John commented that it seems like a small park for so many people.

Ashley suggested that if staff supports moving forward to draft the development agreement to do so—it is hard to support it without a hard copy to review.

Motion Passed: Rose **moved** to direct staff to draft an MOU or similar agreement between Marketplace Lofts and the Town of Carbondale. Ashley **seconded the motion**; the **motion was approved** with John abstaining.

AQUATICS FACILITY MASTER PLAN—NEXT STEPS

Eric noted that as reported at last month's meeting, the Request for Proposal advertised for the Aquatic Facility had two replies; one of the companies suggested certificates of participation which wasn't the financing option they wanted to pursue. He added that the Finance Director advised Eric that they had missed a step by not hiring a financial advisor to oversee the process. Eric reported that they would be interviewing three firms on Thursday (October 14th).

Questions/Comments:

Susan asked for confirmation that the TOC was hiring a financial advisor to provide insight on obtaining a bond underwriter.

Eric confirmed that was the process and the Finance Director didn't perceive the RFP process as competitive as it could be.

Susan noted that the way the rules are written, one firm can't perform both parts, and asked that once a financial advisor is in place will the Bonding RFP be let again with hopes for more applicants?

Eric confirmed that was the intent.

RECOGNITION OF SERVICE OF OUTGOING PARKS & RECREATION COMMISSION MEMBERS

Hollis awarded Tracy Wilson a Memorandum of Appreciation for her many years of service on the Parks & Recreation Commission.

Tracy appreciated the Memorandum because it allowed her time for reflection.

Hollis acknowledged Tracy's accomplishments and noted that her work on a variety of projects will have a lasting effect.

Eric agreed and pointed out that normally Five Point would be happening this week. He acknowledged Tracy's efforts to bring about this event.

Rose thanked Tracy for her example and mentorship and commented that Tracy was a big part in Rose's efforts to get involved.

Ashley agreed and added that Tracy was always so gracious with both commission members and the public.

Eric noted Tracy's efforts in the creation of the Parks Master Plan and noted the many projects that have been completed to date.

REPORT & UPDATES: STAFF AND COMMISSION MEMBERS

Eric Brendlinger, Parks & Recreation Department Director:

- Eric invited the commission members to review the 30/60/90-day spreadsheet.
- There will be a BOT Work Session this coming Tuesday, October 19th to discuss big ticket items in the Parks & Recreation Department budget.

Jessi Rochel, Recreation Center & Recreation Programs Manager:

- There are upcoming changes in Recreation Center programming; she will include all the changes in the upcoming Friday's update

Rose Rossello, Parks & Recreation Commission Vice-Chair

- Rose commented that finding special events information is very difficult and wondered if there was a way to make it easier to find.

Susan Rhea, Parks & Recreation Commission Member:

- Susan commented that she would really like to see clear signage that indicates a public park.

Hollis Sutherland, Parks & Recreation Commission Chair

- Hollis thanked Rose and Ashley for organizing the potluck and Eric and Jessi for setting up the space in the Recreation Center.

ADJOURNMENT

The October 13, 2021, regular meeting adjourned at 9:10 pm. The next regularly scheduled meeting is scheduled for November 10, 2021, at 7:00 pm.

Respectfully submitted,
Kae McDonald

