

**MINUTES  
CARBONDALE BOARD OF TRUSTEES  
REGULAR MEETING  
NOVEMBER 22, 2022  
CARBONDALE TOWN HALL  
AND VIA ZOOM**

Mayor Bohmfalk called the Board of Trustees Regular Meeting to order on November 22, 2022, at 6:00 p.m.

**ROLL CALL:**

The following members were present for roll call:

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

Staff Present:

Town Manager	Lauren Gister
Town Clerk	Cathy Derby
Finance Director	Christy Chicoine
Planning Director	Jared Barnes

**CONSENT AGENDA**

- Accounts Payable totaling: \$139,417.74
- BOT 11/08/2022 Regular Meeting Minutes
- Liquor License Renewal – Mings
- Liquor License Renewal – Cowen Center
- Retail Marijuana Store Renewal – Double Black
- Ordinance No. 12, Series of 2022 – SIA Amendment – Builders First Source
- Resolution No. 11, Series of 2022 – Reversing the Planning & Zoning Commission's Denial of a Minor Site Plan Review – PI Carbondale
- 2<sup>nd</sup> Amendment to the DIA – Main Steet Marketplace

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 Silverstein told the Board that he attended the Tourism Council Board meeting. After this year the Tourism Council will no longer fund the roundabout Christmas decorations. Trustee Silverstein announced that the KDNK Labor of Love fundraiser will be held at the Village Smithy on December 2<sup>nd</sup>.

Trustee Laird told the Board that they should be receiving a survey from the Regional Housing Authority. The survey is a check in to see if they are meeting their members' expectations. Trustee Laird told the Board that he has updated the draft Community Housing Work Plan for the November 29<sup>th</sup> work session.

Trustee Hassig told the Board that he met with Matt Gworek, Chair of the Bike/Pedestrian/Trail Commission (B/P/T), to discuss the Mobility Plan. Matt wants to make sure that the B/P/T has input when creating the plan. Next year Matt would like to host a Mobility Plan charrette.

Trustee Yllanes announced that the Parks and Recreation Department will be hosting the annual Turkey Trot on Thanksgiving Day.

Trustee Kitching stated that she attended the Pitkin County Healthy Rivers Board meeting where they received a status update on the Crystal River Restoration project. The headgate should be installed before the end of the year. The in-stream work has its challenges; there is a tight time line when the work can be undertaken and inflation has doubled the cost of the project

### **ATTORNEY'S COMMENTS**

The attorney was not present at the meeting.

### **MANAGER'S REPORT**

Lauren informed the Board that the salary survey will be presented at the December 13, 2022, Trustee meeting.

### **SPECIAL EVENT LIQUOR LICENSE – MT. SOPRIS NORDIC COUNCIL**

The Mt. Sopris Nordic Council has applied for a Special Event Liquor License for a fundraiser to be held at Dos Gringos Burritos. 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 Mt. Sopris Nordic Council's Special Event Liquor License. Trustee Hassig seconded the motion and it passed with:

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

## **CRYSTAL RIVER WILD AND SCENIC DESIGNATION**

Francie Jacober, representing the Crystal Wild & Scenic Coalition, along with Pitkin County Healthy Rivers employees Lisa Tasker and Lisa McDonald, were present at the meeting.

Francie explained that the Coalition's goal is to secure a free-flowing future for the Crystal River. Colorado sends 182 billion gallons of water to the Front Range every year. The State also has an obligation to send 1.2 trillion gallons per year to lower basin states. The State is struggling to meet the allocations. The Crystal River remains one of very few large streams in our state that still has neither a dam nor trans-basin diversion yet it has long been a target. The only way to permanently prevent the possibility of a federally decreed dam on a river is by enacting the National Wild and Scenic Rivers Act of 1968. Carbondale supported this critical legislation for the Crystal in 2014. The Coalition is again asking Carbondale to support the Wild and Scenic Rivers Act.

Mayor Bohmfalk informed the Board that he met with Lisa Tasker, Lisa McDonald and Mark O'Meara and questioned how the Act could impact Carbondale. He was told that a stretch of the Crystal River above Nettle Creek would be protected and would enhance rather than detract from our future water supply.

Mayor Bohmfalk opened the meeting to public comment.

Kayo Ogilby, Colorado Rocky Mountain School (CRMS) educator, stated the role that the Crystal has played in working with students has been invaluable. Their curriculum depends on wild places. The preservation of the free-flowing Crystal is critical. He is also present tonight as the son of Chuck Ogilby who for years has been fighting to protect rivers. As development continues we need to preserve the things that makes it worthwhile to live here.

Marcus Stackson stated that he is a lover of the outdoors. He has seen the impacts diversion can have on a river. It's important that we protect this very special asset. He asked the Board to do their due diligence and support the designation.

Shantele Hope, a student at CRMS, and president of the Environmental Club, stated that the Crystal provides a safe haven for students. She asked the Board to support the designation.

Lea Lindsay, Eco Flight employee, stated that the Crystal is very special; it has remarkable wild and scenic beauty and stands out when flying in an airplane. We have the opportunity to choose the Crystal's future and she has faith in the process.

Rio Jacober is a stakeholder for the agricultural community. The agricultural community is most at risk if there is a water shortage. The Crystal is a special resource. We have the opportunity to protect it by designating it wild and scenic.

Martha Moran has been a wild and scenic manager for two rivers. She fully supports the resolution. She asked the Board to move the designation efforts forward. It's a special river. The Forest Service supports the designation. The recreation and historical values of the river are so important.

Will Evans, Coalition member, asked the Board to protect the integrity of the Crystal's flow. The Crystal is worthy of protection.

Trustee Sparhawk stated that she grew up on the Crystal. She expressed her gratitude for the Coalition's hard work. She agreed that the Crystal is a magical place.

Trustee Kitching asked if the designation is in perpetuity? Yes, it is. Trustee Kitching replied she finds solace in that.

Mayor Bohmfalk explained that the resolution supports the stakeholder process.

Trustee Silverstein stated he can't see a way we can't support the designation. He thanked Mayor Bohmfalk for doing due diligence on behalf of the town.

Mayor Bohmfalk thanked the Coalition for their hard work. He noted that the Board supported the Crystal Valley Trail and he wanted to make sure that they don't contradict each other.

Trustee Sparhawk made a motion to approve Resolution No. 12, Series of 2022, supporting federal designation of the Crystal River as a wild and scenic river. Trustee Hassig seconded the motion and it passed with:

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

### **CARBONDALE MARKETPLACE SECURITY REDUCTIONS**

Jared explained that in 2020 the Board accepted the public improvements for the Carbondale Marketplace development. The two-year warranty for the public improvements, other than landscaping, started in October 2020 and were completed in 2022. The original two-year warranty for the landscaping was completed in 2022 (two full growing seasons). Prior to the end of the second full growing season, the developer was notified that 33 trees had died and needed to be replaced.

Each public improvement (on-site and off-site) was secured by a separate letter of credit. The current value of the letter of credit for the off-site improvements is \$185,445.86, and the current value of the letter of credit for the one-site improvements is \$101,340.93.

The only item which requires curative work under the original warranty is the replacement of the 33 trees mentioned above. The SIA requires that any curative work be warranted for an additional year. The additional year of warranty for the tree replacement will begin on the day following the acceptable installation of the last of the 33 trees. The security to ensure replacement of the 18 trees in the off-site portion of the

projects is \$11,700, and the security to ensure replacement of the 15 trees in the on-site portion of the project is \$9,750.

If approved, the off-site letter of credit will be reduced to \$11,700 and the on-site letter of credit will be reduced to \$9,750.

Discussion ensued.

Mayor Bohmfalk stated that it is shocking that 33 trees died. Jared explained that the irrigation was broken and has since been repaired.

Trustee Kitching made a motion to approve the reduction in the off-site security to \$11,700 and the reduction of the on-site security to \$9,750. Trustee Silverstein seconded the motion and it passed with:

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

### **CARBONDALE MARKETPLACE LOT 5B (1<sup>ST</sup> BANK) SECURITY RELEASE**

Jared stated that the public improvements (other than landscaping) for the Crystal River Marketplace, LLC for Lot 5B were accepted by the Board in November 2019. The landscaping improvements were accepted by the Board in November 2020.

When the public improvements were accepted, the developer was required to re-televise a portion of the sewer line and repair it if necessary. The sewer was re-televised in June 2022, and it was discovered that there was negative grade in the first section of pipe out of the manhole. The defect was repaired in August 2022.

When the landscaping was accepted in 2020, it was required to be warranted for two full growing seasons. The warrant period expired in October 2022 and no curative actions were necessary for the landscaping improvements.

Since all of the public improvements have been accepted, the warranty periods have expired and no further curative actions are necessary, staff recommends that the remaining security on the project be released.

Trustee Sparhawk made a motion to release the remaining \$910.80 security related to Carbondale Marketplace Lot 5B. Trustee Yllanes seconded the motion and it passed with:

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

### **TOWN CENTER PARTNER RECOMMENDATION**

Bob Schultz, whom the town hired to assist with the Request for Qualification process, was present for the meeting.

Lauren explained that the Request for Qualification was released to potential partners for the Town Center property. Eight strong responses were received, and the Town Center Selection Committee chose to interview five. Two developers made it to the final round and the Committee recommends that Artspace be selected as the lead developer partner.

Discussion ensued on the next steps.

Bob explained that the town and Artspace will need to enter into a pre-development agreement. The cost to create a predevelopment contract is \$650,000. The town will apply for grants to cover the costs. The scope of work is anticipated to take three years.

Mayor Bohmfalk opened the meeting to public comment.

Amy Kimberly, Carbondale, acknowledged that four years ago former town manager Jay Harrington tried to get Artspace to do a project in Carbondale and committed \$20,000 to do an Artspace study.

Matthew Shmigelski, Habitat for Humanity, stated that Habitat supports the project, and they desire to be a part of the development.

Bert Furmanski, Carbondale Clay Center Board of Directors, suggested that the project have the ability to create a maker space for artists. The Clay Center is supportive of this project and it is looking at the possibility of making Town Center its new home.

Lindsay Jones, artist, asked if it would be possible to develop a program for small businesses that is similar to the affordable housing program.

Sean Jeffries, Executive Director of the Thunder River Theater, told the Board that he is excited to finally have neighbors!

Trustee Sparhawk stated that Artspace really did their homework. They talked to the Clay Center and Thunder River Theater. Artspace has experience in adding commercial space. Going forward there will be lots of community input on this project.

Mayor Bohmfalk commented that the town is honored that so many great organizations applied.

Trustee Hassig discussed AMI categories, ownership versus rental, and suggested conducting a lottery for units (commercial and residential) before the project is complete.

Trustee Silverstein made a motion to select Artspace as the lead developer partner for the Town Center Project and directed staff to begin negotiations on a Pre-Development Agreement. Trustee Yllanes seconded the motion and it passed with:

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

## **RFTA 2023-2028 REGIONAL BIKESHARE MEMORANDUM OF UNDERSTANDING**

James Currie and Mirte Mallory of WeCycle, and Dan Blankenship, RFTA Executive Director, were present for the discussion.

Mallory stated that it is anticipated that the bike share roll out is scheduled for 2023. Carbondale's cost for 2023 will be \$105,344 (offset from \$210,688 due to a FLMMR grant).

Mayor Bohmfalk inquired about on-going costs. Mirte stated that in 2024 and 2025 the cost will be \$130,000 before grants. In 2026 the cost will be approximately \$160,000.

Carbondale is anticipated to have 17 stations, 80 bikes, 227 docking points and will operate year-round.

### Next Steps:

January – February – public engagement and receive feedback on anticipated use

March – education and site preparation

Summer – assembly, launch system

Trustee Silverstein made a motion to approve the RFTA 2023-2028 Regional Bikeshare Memorandum of Understanding. Trustee Sparhawk seconded the motion and it passed with:

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

## **2023 BUDGET REVIEW**

Christy reviewed the changes totaling \$311,750 that were recommended by the Board since the October 11 budget version. There is currently a 79% reserve balance.

Discussion ensued.

Trustee Kitching asked Christy when we will see the interest from moving our funds to different banks? Christy answered we should see some money in August.

Lauren stated that the salary survey is almost complete, and it is very close to what was budgeted.

Trustee Sparhawk suggested that money be put in the budget to hire an owner's representative for the Town Center project. The Board agreed that the money could be taken from the Housing Fund. Trustee Sparhawk also suggested that the town hire a part-time grant writer.

**ADJOURNMENT**

The November 22, 2022, regular meeting adjourned at 8:55 p.m. The next regular meeting has been scheduled on December 13, 2022, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST

  
Cathy Derby, Town Clerk

  
Ben Bohmfalk, Mayor

