

**AGENDA  
CARBONDALE BOARD OF TRUSTEES  
WORK SESSION  
CARBONDALE TOWN HALL  
SEPTEMBER 19, 2017  
6:00 P.M.**

<b><u>TIME*</u></b>		<b><u>ITEM</u></b>	<b><u>DESIRED OUTCOME</u></b>
<b>6:00</b>	<b>1.</b>	<b>Glen X</b>	<b>Discussion</b>
<b>6:30</b>	<b>2.</b>	<b>Budget – Review Department Goals and Objectives</b> <ul style="list-style-type: none"> <li><b>a. Public Works</b></li> <li><b>b. Utilities</b></li> <li><b>c. Parks &amp; Recreation</b></li> <li><b>d. Police</b></li> <li><b>e. Finance</b></li> <li><b>f. Planning</b></li> <li><b>g. Building</b></li> </ul>	<b>ATTACHMENT A Discussion</b>
<b>8:00</b>	<b>3.</b>	<b>Marijuana Discussion</b>	<b>ATTACHMENT B Discussion</b>
<b>9:00</b>	<b>4.</b>	<b>Adjourn</b>	

\* Please Note Times Are Approximate



# TOWN OF CARBONDALE

## PUBLIC WORKS

511 Colorado Avenue  
Carbondale, CO 81623

### Board of Trustee Memorandum

Meeting Date: 09/29/2017

**TITLE:** 2018 Budget Goals and Objectives

**SUBMITTING DEPARTMENT:** Public Works

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#### BACKGROUND

The 2018 Public Works proposed budget is a continuation of goals and objectives that have been established over a period of time. The goal is to continue to provide the community with a high degree of infrastructure maintenance while managing costs.

#### DISCUSSION

The following is a list of goals and objectives for 2018 for each of the listed categories. They are not arranged by priority, but provided as suggestions that the Board can consider as part of the development of the overall budget.

##### 1. Arboriculture/Horticulture

The landscaping maintenance requirements along the SH-133 corridor continue to be one of the biggest time demands from spring through fall. In 2017, a seasonal position was added to help the Town Arborist with maintenance of the corridor and we are proposing to continue this seasonal position in 2018. In 2018, staff will work with the landscape architect who did the design to address some concerns related to sight-distance and pedestrians at the roundabout.

##### 2. Downtown Enhancements

In 2017, the Town replaced several of the banners that are installed along Main Street. In 2018, the banner replacement will continue as funding allows. In addition, staff will continue to install wreaths and holiday lights. We should plan on replacing some of the holiday lights each year as they tend to dim after 3-5 years of use. In addition, funding should be continued for replacement/addition of bike racks and benches in the downtown area.

##### 3. Traffic Control Signs-Inventory and Maintenance

The Manual on Uniform Traffic Control Devices (MUTCD) sets standards for the location, placement and reflectivity requirements of all regulatory, warning, and guide signs in the country. It is important that the Town have an accurate inventory of the location and different types of signs that we have. An accurate inventory will allow staff to formulate a sign maintenance schedule that, over

time, will ensure that we are meeting the requirements of the MUTCD. It will also allow us to develop an accurate sign budget that can be more consistent from year-to-year.

Work on the Town's GIS mapping has progressed to a point where it is necessary and appropriate to develop a layer that depicts all of the signage on streets in Town. Work has begun on the development of the sign inventory layer as well as efficient ways to collect data on the signs including: type, size, location and a picture of each sign. For 2018, staff is planning on collecting that data and developing a plan that can be implemented beginning in the 2019 budget year.

#### **4. Drainage Improvements**

The Town's drainage system largely relies on the use of drywells to collect and infiltrate storm runoff. This year, staff has implemented a program to clean existing drywells in a systematic basis. This systematic approach will be continued next year.

The summer of 2017 saw several rain events that inundated the existing storm drain system in Town. In 2018, staff is proposing that we put additional effort toward improvements to the Town's system. These include, but are not limited to improvements at the following locations:

- SH-113/Main Street (roundabout)
- SH-133/Village Road
- Hendrick Drive/Main Street
- 2<sup>nd</sup> Street west of KDNK

The Town receives between \$50K and \$60K in storm water fees annually that can be used toward this work.

#### **5. Streets/Trails/Sidewalks**

Replacement of existing infrastructure is unavoidable, but routine maintenance maximizes the life of existing infrastructure which in-turn delays the need for more costly replacement. For years, the Town has invested in routine maintenance through our chip sealing, crack sealing and sidewalk repair programs. These programs are all included in the 2018 draft budget.

In addition to the routine crack sealing and chip sealing of our roadways, staff is proposing to focus additional efforts in 2018 related to trail maintenance. This will include crack sealing, potential surface treatments and patching. We will also continue our sidewalk repair and replacement program.

Funding has also been included in the 2018 draft budget for filling in gaps in the existing trail/sidewalk network.

Staff is proposing to work on plans for surface rehabilitation of Meadowood Drive in 2018 with potential construction in 2019. During the process, staff will evaluate potential alternatives and explore potential external funding sources for the project.

**FISCAL ANALYSIS**

As the Board develops overall goals and objectives for the 2018 Town budget, we can discuss the fiscal impacts of individual goals and objectives.

**RECOMMENDATIONS**

N/A

Prepared by: Kevin Schorzman

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Town Manager



## TOWN OF CARBONDALE UTILITY DEPARTMENT

511 Colorado Avenue  
Carbondale, CO 81623  
www.carbondalegov.org  
(970) 963-3140 Fax: (970) 963-0819

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### Board of Trustees Agenda Memorandum

**Item No: 2b**

**Attachment B**

**Meeting Date: September 19, 2017**

**TITLE: UTILITIES BUDGET FOR 2018**

**SUBMITTING DEPARTMENT: UTILITIES**

**ATTACHMENTS: UTILITIES 2018 BUDGET**

**BACKGROUND:** The 2018 goals and objectives have been formulated to maintain existing service levels and implement recommendations in the Water and Wastewater Master Plan. The master plan and rate study adopted in 2017 lays a foundation for the years to come. The rate schedule will continue to be implemented with annual adjustments for maintaining the assets and operational activities of the department.

**DISCUSSION:**

**Wastewater Treatment and Collection System:** The wastewater treatment plant improvements for 2018 include design and construction of a new clarifier. This has been described as a choke point in the treatment process in the master plan. This was initiated in 2017 with the engineers for conceptual planning and applying for a DOLA grant. The budget for the clarifier project has been revised based on more accurate cost estimating and the new estimate has been incorporated into the proposed 2018 budget. Staff continues to fine tune the energy consumption. Small changes will continue to further refine the efficiencies within the system.

A systematic inventory of the collection system continues with video surveillance. Areas that were slip lined many years ago are showing what appear to be annular spaces between the liner and the old pipe which in some cases, appear to be filling in with tree

roots. In some areas, inspections are showing root growth near the tap penetrations into the main. We anticipate that repairs may be necessary in areas where this occurs.

The GIS system maintenance will be on going with new development and ancillary notations. Field verification with GPS points and field investigations will be on going. The mapping in 2017 has been performed using GPS points from cellular data points, maps on file, and incorporating street view from web based mapping systems.

Training will continue with staff members as opportunities become available and tenure in the field allows for upgrading certification levels. Additional certification in industrial wastewater, laboratory certification and bio solids handling will continue to be promoted amongst staff.

In addition to the above-mentioned items, the O&M budget includes a truck replacement for a 2004 pickup and replacement of 2 automatic samplers for permit compliance testing.

The capital construction includes funds for a new 1 MGD clarifier and new return pumps (RAS).

The grit removal system is over 20 years old. The system is beginning to show signs of heavy corrosion on integral moving parts which may lead to repairs or replacement.

The 10-inch interceptor line that is located in Colorado Avenue has been determined to be a future hydraulic choke point from the old town sewer system to Highway 133 and Colorado Avenue. There is a potential development being discussed along this section of line which could create the opportunity to upsize the line in this location.

Storm water additions are proposed for improving the existing drywell collection basins and installing new drywells. This line item has been utilized to install dry wells with Public Works coordination. Additional drywells throughout town have been slated for installation in 2018 along with improvements/maintenance to the existing system in town and along the Highway corridor.

**Water Treatment and Distribution System:** The Crystal Well filtration and Nettle Creek siding projects will be completed in 2017. The Town has been successful in obtaining a feasibility study cost share grant for the hydroelectric production on the South Nettle Creek supply line. Funding for this hydroelectric plant has been in the annual budget for several years and will remain in the proposed budget for 2018. The GIS mapping of the water system will continue in 2018 along with additions and notations as previously described.

The meter reading system maintenance will remain ongoing. Meter replacement will occur on an as needed basis with replacement of the older meters.

Grant opportunities will be forth coming in November for 2017 for plans on the Crystal River Management plan and work on the Weaver head gate. The Town's participation on this is uncertain at this time. Applications will be sent in for incorporating efficiencies for the ditch system. There may also be additional monies requested for the ditch system if grant opportunities come forth successfully in 2018.

In addition to the above-mentioned items the O&M budget includes funding to replace a 2006 pickup and replacement of the Gator. The Crystal well filtration system is a disposable cartridge system, we anticipate that the cartridges will be replaced twice per year. Leak detection will remain an annual item as part of the water efficiency plan and distribution maintenance.

With the progress that has been made with GIS mapping of the water system, we are anticipating the development of a comprehensive water system flushing plan. We have also identified valves in the system that need to be replaced.

The main logic controller at the Nettle Creek Plant is slated for replacement. The existing controller is 20 years old. The new controller will be capable of additional interface capacity for incorporation of the hydroelectric controls as necessary.

The Nettle Creek Special use permit has been completed. To date there has not been a signed document or lease agreement for the occupation of the facility. It remains under administrative extension. The fees for the permit are \$8,800 per year. The appraisal for the property in August 2017 (1.33 acres) was \$100,000. Purchase of the property will be pursued in 2018.

The capital program includes a stand by generator for the Crystal well, ditch system improvements, completion of a feasibility study and possible engineering and construction of a hydroelectric facility at Nettle Creek treatment plant.

### **FISCAL ANALYSIS**

This will be open for discussion through the budget process.

### **RECOMMENDATION**

N/A

Prepared By: Mark O'Meara, Utility Director

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Town Manager



TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623

## Board of Trustees Agenda Memorandum

**TITLE:** Parks & Recreation Dept. FY-2018 Budget Goals

**SUBMITTING:** Eric Brendlinger- Parks & Recreation Department

**ATTACHMENTS:** Rec Center cost recovery graph, rate increase memo/ graphs,

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**BACKGROUND:** This is a summary of the work plan budget goals that have been used in developing our FY-2018 budget.

### Parks & Recreation Administration

1. Submittal of two Garfield County Federal Mineral Lease District mini-grants for a park improvement project that dovetail with our master plan recommendations. Fall FMLD mini grant for Bonnie Fisher Park fence, Sopris Park playground equipment replacement, and enhancement of ADA access to our parks and playgrounds.(\$25,000) Apply for a Spring 2018 FMLD mini grant to continue the park improvements wish list with a focus on park bathroom improvements, i.e.- door repairs, fixture upgrades, partition replacement, paint. Fall FMLD Traditional grant for Third Street Center East Entrance and Parking Lot Improvements (\$60,000)
2. Gateway RV Park Improvements: Adapt the three individual tent sites to RV sites. Site 6 would be a full hook up site and 7 and 8 would be dry sites, with no hook ups. Group Tent site would be able to be reserved through direct camp host correspondence. (RV Park Improvements 01-4525-9360 -\$6,000 ) Fund improvements to the water storage system to allow for better water delivery and water pressure for park users. (RV Park Maintenance 01-4525-3600-\$17,000) Research adapting large rv sites to 50 amp power pedestals. Inflationary increase in RV Park Fees of \$5.00 proposed making large rv sites with full hookups \$40.00/ night, smaller rv sites with water and electric \$30.00/ night.
3. Get PCI chip card reader compliant with operations at the recreation center and pool.

### Parks Department

1. Continue revegetation, along with noxious weed control methods, to maintain the appearance and user safety of the North Face Bike Park. Conduct experimental test locations for the use of *Avenger*. ( Bike Park Maintenance Line Item 01-4500-3655-\$5,000 & RV Park Landscaping Line Item 01-4525-3685 \$2,000)



2. Utilize the Conservation Trust Fund to replace existing trash cans with bear proof trash cans in Town Parks. Staircase & Miners Park have changed over and Sopris will be completed in 2017. Colorado Meadows and Gianinetti will be the next parks slated to receive bear proof trash cans. (Parks Maintenance 10-4800-3600 \$6,000)
3. Repair park bathroom doors and install auto locking function at History Park bathroom.( Park Improvements/Equipment \$2,000)

### **Recreation Center:**

1. Membership fees will be benchmarked and an inflationary increase to fees in 2018 is proposed across the board in January. Special seasonal promotions of our 4-months for three months membership deal will continue. Rate increase proposed is 5% to all youth and senior memberships and 10% for adults. Family rates change to a household rate with a 25% increase to accommodate a broader definition to better serve our community's diverse and ever-changing family units. The new household rate definition includes up to, but no more, than, 2 adults aged 18 or over, and all children 17 and under residing in the same physical residence fulltime. Day rates would stay the same. Rate categories are proposed as a flat rate available to everyone vs. resident and non-resident fees. Youth, Senior and Adult membership categories options remain 1 month, 3 months and a year, without the 6 month option.
2. Increase marketing in social media and other non-traditional forms of program promotion (i.e.- website, e-mail blasts, Facebook, Twitter, linked-in, u-tube, Instagram). Increase marketing to the Latino community with a radio campaign focusing on membership opportunities, scholarships and youth and adult sports leagues.
3. Program budget improvements utilizing our *Program Cost Break Even Analysis* data. Scrutinizing our fee structure and cost recovery on a per program basis and making the necessary changes according to our cost recovery philosophies. Continue to find ways to re-purpose activity room and to increase fitness class offerings. Yoga, foam rolling classes, small group personal training, Tai Chi.
4. Active Energy Management Plan. Continue to monitor energy use and production at the CRCC and make the necessary changes to our energy consumption through an active energy management plan that includes HVAC tune-ups and 2017 replacement of water heater with a new hybrid model. (HVAC repairs \$1,500 Building Maintenance and Grounds Line Item 75-4500-3660)
5. All cardio floor space is presently being utilized, Funding in place in 2018 budget for fitness equipment replacement schedule and to provide preventative maintenance for our existing equipment. ( Rec Facilities Equipment Line Item 75-4500-9410-\$5,500) Purchase additional auto belay (Rec Facilities and Equipment 75-4500-9410- \$2,500)
6. Subscribe to *Indesign* and *Photoshop Adobe* software packages for coordinators. (Computer Equipment/Software Line Item 75-4500-9420- \$3,000)

7. Retrofit one of the East Patio doors to be automatic to upgrade our ADA accessibility. (Building Maintenance Line Item 75-4500-3660 -\$2, 500)

### **Swimming Pool:**

1. Provide additional options for aquatic based fitness classes. i.e.- Aqua Zumba, Aqua Yoga, Swim Club (Contract Labor Line Item 75-4512-3980- \$1,300)
2. New heater to replace number two heater for large pool, new pool covers, lane lines. (Pool Equipment 75-4512-9360 New heater \$11,170, Large pool covers \$9,695, Covers for Pool Covers \$200, new lap lane \$638)
3. Re-paint and repair facility prior to opening. Purchase more industrial shade umbrellas. (Umbrellas/Equipment line Item 75-4512-9362-\$2,035)
4. Repair metal door frames on outside of pool locker rooms.(Building Maintenance Line Item 75-4512-3660-\$2,000)
5. Repair liner in wading pool. (General Maintenance and repairs 75-4512-3661 \$3,000)

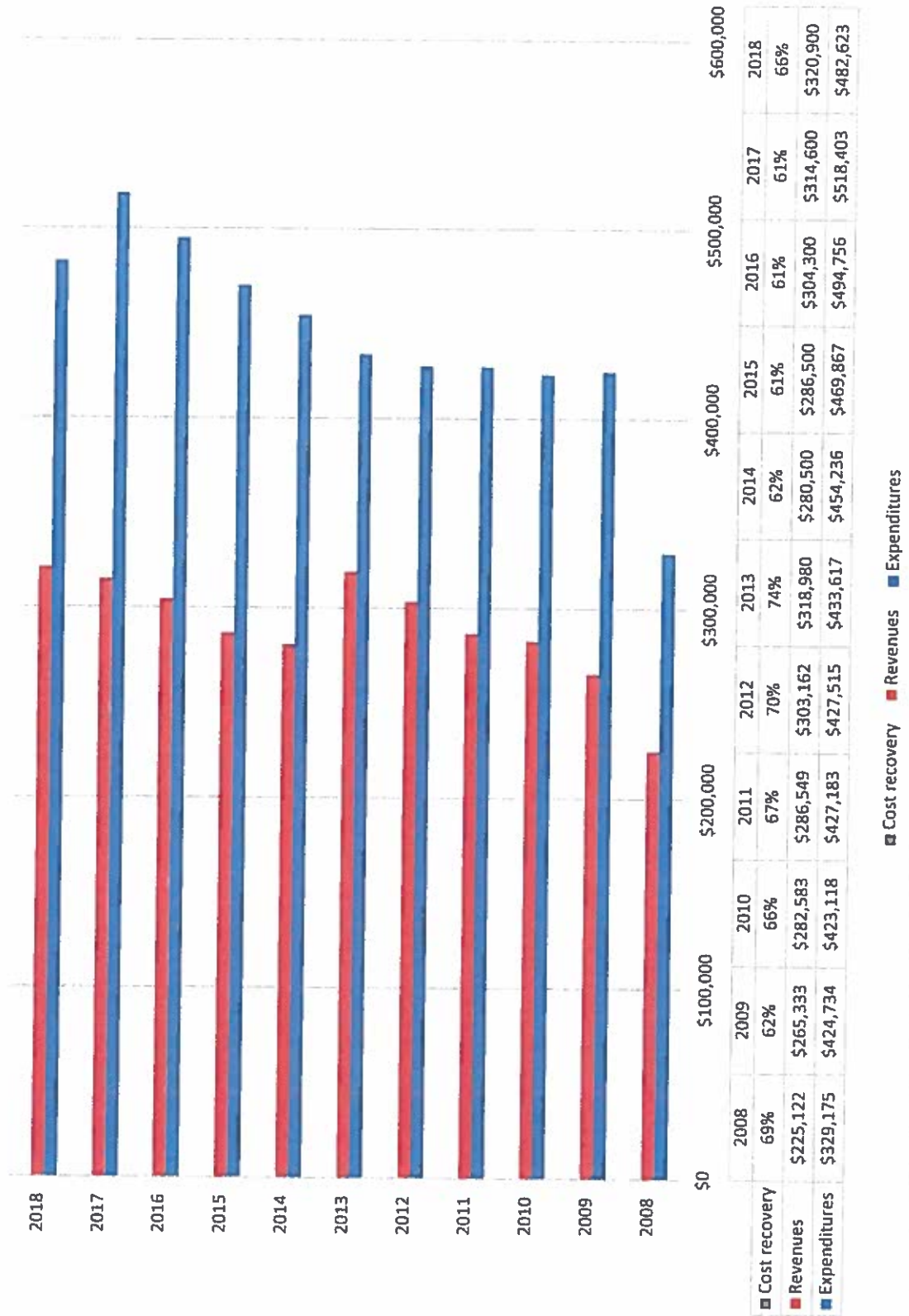
### **Recreation Programming:**

1. Continue to produce two sheets of ice for public use (Gus Darien and 4<sup>th</sup> St. Plaza Park) Purchase new downtown rink package.
2. Continue to provide a positive community experience with our special events and scrutinize the ability to enhance existing events with sustainability and cost recovery in mind. These events include: 4<sup>th</sup> of July Parade and Pool Party (added pool games), Celtic Fest & Oktoberfest, Light-Up Carbondale, First Friday Events, Bonedale Bike Week Bike Rodeo, Easter Egg Hunt, Easter 5 K Scavenger Hunt, Spring into Fun Family Block Party, Skate Park Competition, Bike Park Competition and an annual Pickleball Tournament. New events for 2017-2018 will be Snowshoe Race in Redstone and the Turkey Cross Trot 5 k Running Race. (We split the program production costs between our Self-Funded Special Events Line Item 01-4500-8000 - \$4,000 and our Special Programs Line Item 01-4500-8201, \$55,170 both in the general fund.)
3. Continue to be involved with the Garfield County Healthy Community Coalition. Continuation of the local HEAL committee and collaboration with Live Well Colorado, Roaring Fork Food Alliance, Cooking Maters, Garfield County Public Health, and the Colorado State University extension programs and instructors. Consider submittal of a mini-grant, which does not require matching funds, for sustaining *Farm RX* program or for programming that matches the Healthy Eating, Active Living mission. (i.e.- *Garden Boot Camp*, *Master Gardener Classes*, cooking classes and our wellness programs)

**Prepared By:** Eric Brendlinger, Parks & Recreation Director

Jay Harrington Town Manager

# Carbondale Recreation & Community Center Budgeted Cost Recovery 2008-2018





**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

**Parks & Recreation Commission Agenda Memorandum**

**Item No: Attachment C**

**Meeting Date: September 13, 2017**

**TITLE:** Carbondale Recreation and Community Center Membership and Rental Rate Increases for 2018

**SUBMITTING:** Recreation Department

**ATTACHMENTS:** Recommended Rate Changes for CRCC Memberships, Membership Breakdowns by Membership Type, and Membership Breakdowns by Residency

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**PURPOSE:** The CRCC is requesting rate changes to be implemented January 1, 2018 for memberships and facility rentals. These changes will include a 5% increase to all youth and senior memberships, all punch passes, and all facility rental options. Adult memberships will increase 10%, and family memberships will increase 25% with family memberships hence forward referred to as Household memberships with a new definition. We will also remove the in-zip code versus out-of-zip code designations and streamline the registration process with the same fees regardless of residency status.

**BACKGROUND:** We last instituted an inflationary rate increase effective January 1, 2013, at a rate of 5% (1% per year for the 5 years we had been in operation). The increase was applied to day drop-ins, all memberships, and all facility rental options. At this time, we also repealed the third residency status rate (initially rates were divided into the following three categories: in town limits, outside town limits but within 81623, and outside 81623). From 2013 to present, we have operated with two residency status options: within 81623 and outside 81623.

**DISCUSSION:** This time we will not be adjusting our day drop-ins as we are confident they match our current offerings well.

We will be adjusting our youth and senior fees with the standard 5%, as well as our punch pass options for both youth/senior and adult. However, in an effort to better serve our community's diverse and ever-changing family units, we will be broadening our family definition to include the following: up to, but no more, than 2 adults aged 18 or over, and all children 17 and under residing in the same physical residence full-time. As a result of this definition change, we will be looking at increasing adult memberships 10%, and family memberships 25% to compensate for the heavily discounted family options. Family memberships will be renamed Household memberships. We justify the larger increase for adult memberships since they are the demographic that most benefits from what we offer (including fitness equipment use, included fitness classes, etc), and the larger increase for family memberships since we are now allowing a broader definition and have eliminated additional charges for more than 2 children in a household.

Additionally, we would like to simplify our registration process by eliminating the second residency status. Membership breakdown statistics show that from opening in 2008 until present, only 15% of our

memberships have been from outside the town limits or the zip code. With the scope of commuters within the Roaring Fork Valley, we are hoping to increase our out of town reach by offering the same rate to non-residents. Furthermore, as we are not a resort town, it does not seem prudent to have a "Guest" rate that is mostly applied to people that live and work within the Valley.

We are also looking to raise our facility rental rates with the standard 5% inflationary increase across the board (this includes both private and public rentals for the climbing wall, gymnasium, lobby and patio, multi-purpose room, and kitchen). Additionally, we are raising our attendant rates from \$20 to \$24 to match the rates we currently pay our security and temp personnel for large facility private rentals.

Finally, we will increase our birthday party package rates by 5% as well.

**RECOMMENDATION:**

**Prepared By:** Jessi Rochel, Community Center and Recreation Programs Manager

Town Manager



## Carbondale Recreation and Community Center

**SUMMER Hours:** Mon-Thurs 6am-9pm; Fri 6am-7pm; Sat 9am-2pm; Sun 10am-4pm

**WINTER Hours:** Mon-Fri 6am-9pm; Sat 8am-5pm; Sun 10am-5pm

### Membership Rates

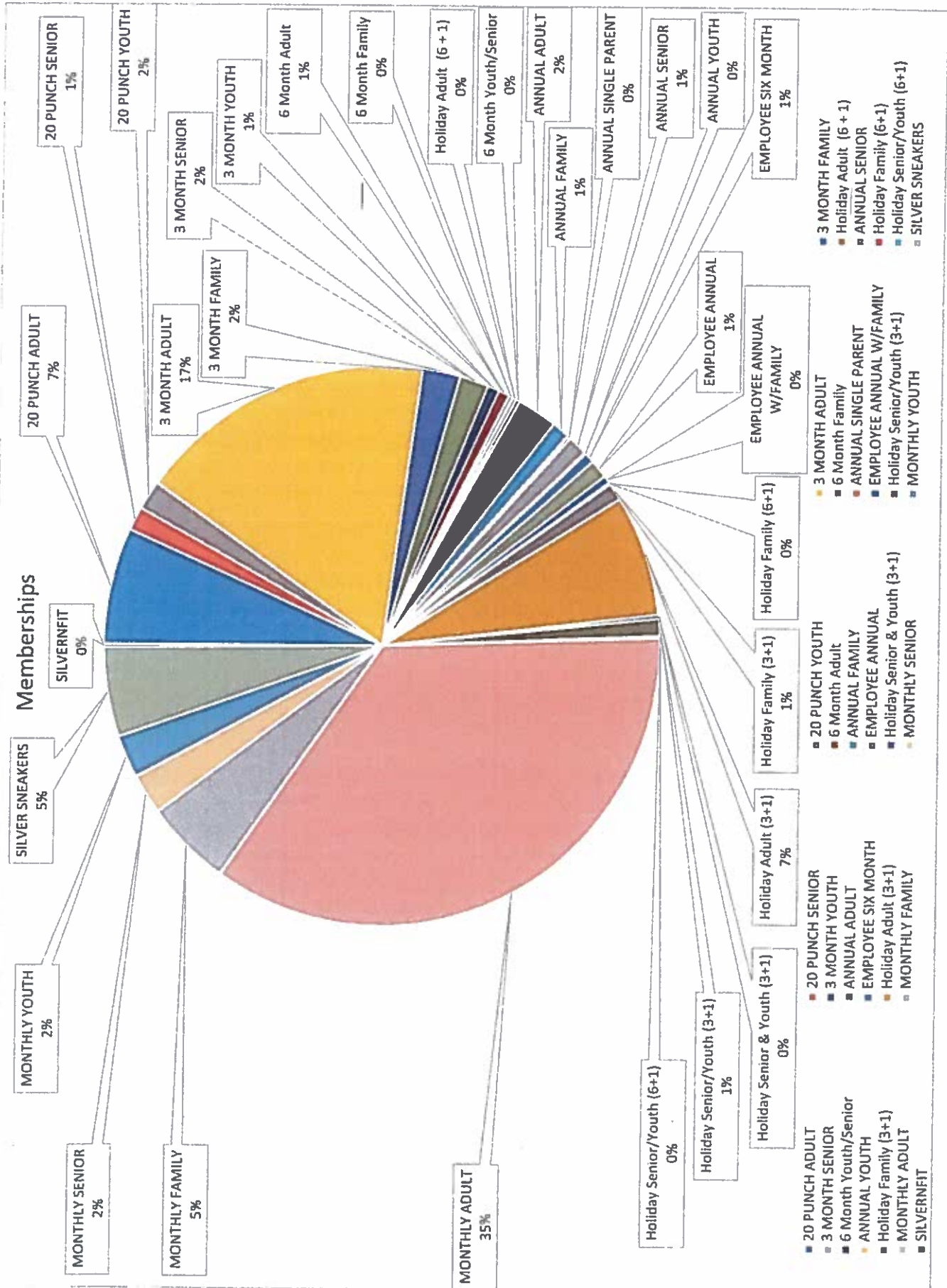
Daily Admissions	
Children (under 3)	Free
Youth (3-17 years)	\$5
Adult (18+ years)	\$7
Seniors (62+ years)	\$5
Membership Fees	
Youth (3-17 yrs) Monthly	\$29
Youth (3-17 yrs) 3-Month	\$72
Youth (3-17 yrs) Annual	\$219
Adult (18+ years) Monthly	\$44
Adult (18+ years) 3-Month	\$116
Adult (18+ years) Annual	\$380
Senior (62+ yrs) 1-Month	\$29
Senior (62+ yrs) 3-Month	\$72
Senior (62+ yrs) Annual	\$219
Household* Monthly	\$68
Household* 3-Month	\$178
Household* Annual	\$567
20-Visit Punch Pass** (10% discount on daily rates)	
Youth (3-17 yrs) & Senior (62+ yrs)	\$89
Adult (18+ years)	\$125

*\* Household Memberships: Must reside full-time in the same residence. Maximum 2 adults 18 years or older. Includes up to 4 children 17 years or younger.*

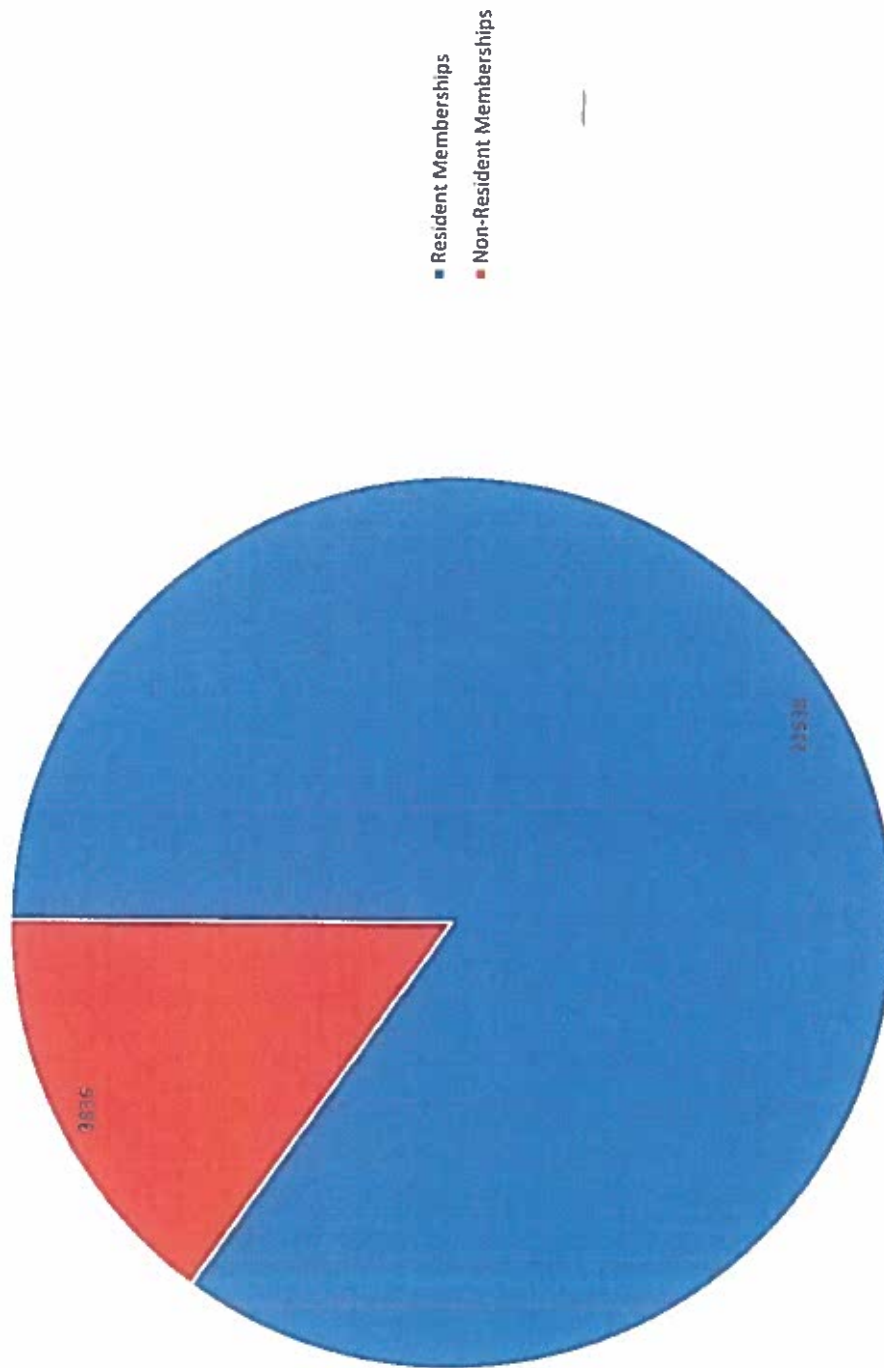
*\*\*Punch Passes: EXPIRE in 3 years. Multiple punches may be used to bring in guests. Punch passes are scanned once per person, per visit, per amenity (may be used at the James M. Fleet Pool seasonally in addition to the CRCC).*

**\*Memberships are NON-REFUNDABLE AND NON-TRANSFERABLE.**

***Must provide photo ID at time of purchase.***



### Resident vs Non-Resident Memberships 2008-Present







**TOWN OF CARBONDALE**  
511 COLORADO AVENUE  
CARBONDALE, CO 81623

## Board Trustees Agenda Memorandum

Item No: 2  
Attachment: 8  
Meeting Date: 9/19/2017

**TITLE:** Goals and Objectives

**SUBMITTING DEPARTMENT:** Police Department

**ATTACHMENTS:** None

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### **Community**

Research solutions to optimize community safety for residents and visitors.

Public relations officer will be working with community groups in the valley including immigrant communities to provide support and to enhance trust and cooperation with the police department.

### **Records**

Training for Police Executive Assistant and Police Services Technician.

Continue refining electronic criminal justice records.

Attend classes for the Colorado records release.

### **Training**

Keep staff certified for all required skills and identify training necessary while analyzing benefits versus costs. To reduce costs and enhance skills, bring in regional trainings and send staff to instructor certification. This allows for in-house training and yearly certifications.

Training for National Child Passenger Safety Certification.

New World Conference.

Locate and evaluate appropriate training for the Public Relations Officer.

Become a state certified interpreter.

Send officers to Certified VIN course.

### **Traffic**

Continue pro-active traffic enforcement to enhance citizen safety as staffing allows focusing on school zones and areas of citizens' concerns.

Roundabout enforcement, bicyclist violating traffic laws and improper use of crosswalks.

Traffic enforcement of vehicles not yielding to pedestrians in the crosswalk.

Increase education and enforcement of no bicycles on sidewalks on Main Street in the downtown core.

### **Wellness**

Continue to promote and refine wellness program.

### **Policies and Procedures**

Monitor Carbondale Police Manual for revisions and updates.

### **Police Vehicles**

Purchase, equip, and put in service a new ordinance vehicle while transferring the old ordinance vehicle to public works. .

### **Department Staff**

Train and educate supervisors.

If federal COPS grant is awarded and trustees approve funding we will be recruiting and training a new police officer for 2018. If grant is not awarded there will not be an additional police officer position funded.

Train and educate staff as needed

### **School Resource Officer**

Continue to have School Resource Officer assist all schools with safety plans, awareness and assist with drug and other education program.

### **Miscellaneous**

Work to address neighbors' concerns in the Sopris Park area to improve quality of life while still allowing events in Sopris Park.

Assist schools with special events.

Attend town-approved special events and send officers to work other towns' special events in return for their help.

Continue with the TRIDENT Officer.

Continue ordinance enforcement with emphasis on trash, weeds, noise, abandoned cars, and dogs in the park and off leash.

Work with waste haulers to make available bear resistant trash cans.

Parking enforcement on Main Street.

Continue assisting other Town departments as needed.

Assist other agencies with requests for help during normal patrol activities.

Assist the fire and ambulance departments as needed on emergency calls.

Apply for a grant to help fund a new officer position in 2018.

Continue to assist with interpretation at River Bridge Regional Center to help with children that have been victims of abuse.

Continue to provide safe routes and neighborhoods where late night pedestrian traffic is prevalent.



## Board of Trustees Agenda Memorandum

Meeting Date: 9/19/2017

**TITLE:** 2018 Budget Work Plan

**SUBMITTING DEPARTMENT:** Finance

**ATTACHMENTS:** None

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**BACKGROUND:** In preparation of the 2018 Draft Budget, Staff has presented the items below for consideration when developing the final budget.

**DISCUSSION:** Consideration is given to supporting staff town-wide with an increase in compensation and benefits.

**Administrative items:**

- **Employee Wages** – Last year the Salary Survey was updated. This year a COLA of 3% will be looked at with the budget.
- **Group Health Insurance** – The health insurance program is on a calendar year. Our increase for 2018 will be 13.5% and proposed not to change the current plan.
- **Continue** relationship with TRIAD and with Mountain States Employers Council.

**Finance Department:** These are items which will facilitate the operation of the Finance Department and Utility Department

- **Personnel** – Finance is fully staffed with 2 accounting II positions, an accounting II/human resource (training as an assistant), and a part time sales tax clerk/data records.
- **Computer Acquisition** – Replace two computers in the finance department.

**FISCAL ANALYSIS:** Final cost estimates will be provided in the Draft prior to presenting to the Board.

**RECOMMENDATION:**

Staff recommends that the BOT provide input and direction regarding the above budget requests.

**Prepared By:** S. Renae Gustine

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jh  
Town Manager



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## **Board of Trustees Agenda Memorandum**

**Meeting Date: 9-19-17**

**TITLE:** 2018 Planning Department Goals

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** None

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### **BACKGROUND**

The Town Manager has asked staff to compile goals for 2018 in order to work toward the development of the 2018 Town budget. Below are the 2018 Planning Department goals for the Board's consideration.

- 1. Current development review of land use applications. It is anticipated that once again there will be some larger development projects submitted to the Town during 2018.**
- 2. Finalize current process of fine tuning the UDC.**
  - Work with Clarion once the amendments are formulated to avoid creating conflicts in the UDC. Ensure code remains formatted and hyperlinked properly. (P&Z direction)
  - Public hearings before the Planning Commission and the Board of Trustees.
- 3. Continue mapping projects including:**
  - Work with the County to provide current assessor parcel data for Zoning District Map
  - PUD overview map
  - RVR Phase Map
  - Staff training on how to utilize new Town mapping

**4. Review the Implementation Matrix in the 2013 Comprehensive Plan with the Planning Commission to gauge Planning's progress in implementing the plan.**

**5. Development of a new map which overlays the Future Land Use Map from the 2013 Comprehensive Plan onto the Town's Zoning District Map. The purpose of this is to achieve the following goals:**

- Assist developing a long-term strategy to bring the two maps into harmony.
- Identify the most appropriate zone districts for properties.
- Provide a stepping stone to approach property owners of the smaller PUDs to discuss pros and cons of potential rezonings to base (UDC) zone districts.
- Long term – make sure the Future Land Use Map is correct in land use designations.

**6. Organization of PUD Book**

- Re-organize and streamline the PUD zone district book. Print a section of the Zoning District Map for each PUD as a cover sheet for reference.
- Create a matrix which lists of the zoning parameters, development standards and fees in the Town's PUDs to simplify administration of the PUDs (approximately 40 PUDs).
- Place the PUD maps and zone district text on the Town's website for easy public access.
- The organization will assist in determining an appropriate zone district for any conversion of a PUD to a straight zone district.

**7. Continue to be involved in regional planning efforts.**

**8. Maintain and improve the Planning portion of the website, including posting all land use applications.**

**9. Archive and scan Planning Department records.**

## RECOMMENDATION

Staff recommends that the Board review the 2018 goals and give direction to Planning Staff on the goals to help develop the 2018 Planning Department Budget.

Prepared By: Janet Buck, Planning Director



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Town Manager



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

Meeting Date: 09/19/2017

**TITLE:** 2018 Building Department Goals

**SUBMITTING DEPARTMENT:** Building Department

**ATTACHMENTS:** None

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### **BACKGROUND**

The Town Manager has asked staff to compile their goals for 2018. The 2017 Building Season was very busy and the goals from 2017 were not fulfilled, thus the goals are similar to last years.

### **DISCUSSION**

1. Updated the IGA (Intergovernmental Agreement) with the Fire District. The current IGA the Town has on record is from 1983 and the current Fire Code adopted is the 1988 Uniform Fire Code. The Fire District has had an IGA draft since May of 2017. If the IGA is not completed/adopted this year, it needs to be completed in 2018.
2. Adopt the 2015 International Codes. The Department of Energy is providing a grant to Colorado Code Consultants, a third party building department consultant, to help 9 jurisdictions get current codes adopted. We have met with the consultant and a draft is forthcoming.
3. Training for John and Mary to maintain required ICC Certifications.

### **RECOMMENDATION**

Staff recommends that the Board review the 2018 goals and give direction to Building Staff on these goals.

Prepared By: John Plano  
Building Official

JH  
Town Manager





**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

**Board of Trustees Memorandum**

Item No: 3

Attachment: C

Meeting Date: 9/19/2017

**TITLE:** Marijuana code discussion items

**SUBMITTING DEPARTMENT:** Planning Department and Town Clerk

**ATTACHMENTS:** Ordinance No. 11, Series of 2016  
Ordinance No. 12, Series of 2016

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**BACKGROUND**

As part of the ongoing revisions of the Town marijuana codes, staff respectfully requests that the Board of Trustees discuss and make recommendations on the Items outlined below.

**DISCUSSION**

**Licensing discussion items:**

- Transfer of License – Should the Town require that all licenses remain active during the transfer of license process.
- Should Marijuana Infused Product Establishments that want to change the type of extraction process apply for a Modification of Premises as well as a new Special Use Permit.
- Should the Town eliminate the cap (5) for retail marijuana stores.
- Local Agent Requirement – should local agents reside in the 81621, 81623 or 81601 for at least one year prior to being designated as the local agent.
- Should the Town add a 400 feet distance requirement between marijuana infused product (MIPS) establishments.

- **Signage** – Should the current signage standards be changed. Currently the code allows one sign on the door of the establishment, with a maximum size of two square feet, with only the name and type of marijuana establishment; and one other sign per establishment located in or on the windows, roof or walls of the establishment, or on the premises, with a maximum size of 12 square feet or the size prescribed by the Town Street Graphics Code, whichever is more restrictive.
- Should a related company by ownership be allowed to advertise and be exempt from marijuana sign and advertising requirements at the same location as a licensed marijuana operation.

**Appendix A Fees** – Although the fees in Appendix A are usually amended in January. Staff would like to propose the following fee changes to take effect in January 2018:

- Marijuana application fee is non-refundable.
- Renewal Late Fee \$1,000 (It's in the Code but not in the Appendix)
- Modification of Applications (change of hours, etc.) \$100

**RECOMMENDATION:**

Staff recommends that the Board of Trustees discuss the above items and give staff direction on future marijuana code amendments.

Prepared By: John Leybourne and Cathy Derby

JH  
Town Manager

**ORDINANCE NO. 11  
SERIES OF 2016**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, APPROVING  
REVISIONS TO CHAPTER 6 OF THE MUNICIPAL CODE OF THE TOWN OF  
CARBONDALE TO REQUIRE APPLICANTS FOR MEDICAL AND RETAIL  
MARIJUANA LICENSURE TO PROVIDE CERTIFICATES OF GOOD STANDING,  
FULFILL CERTAIN LEASING REQUIREMENTS, ATTEND REQUIRED TRAININGS,  
SUBMIT TO INSPECTIONS, & TO ADOPT PROCEDURES FOR THE SUSPENSION &  
REVOCATION OF MEDICAL & RETAIL MARIJUANA LICENSES**

WHEREAS, the Town has licensed and regulated retail and medical marijuana establishments for the past three years, and the Board of Trustees has identified changes or additions to existing provisions within the existing Retail Marijuana Licensing Ordinance and Medical Marijuana Licensing Ordinance that more effectively regulate marijuana licensing applications and Town's marijuana licensing approval, suspension, and revocation process;

WHEREAS, the Board of Trustees seeks to impose leasing, certificate of good standing, training, and inspection requirements for all marijuana licenses and to otherwise specifically authorize itself to impose conditions of approval for the issuance of licenses;

WHEREAS, the Board of Trustees seeks to enact the same procedures for retail and medical marijuana license suspension or revocation as already exist for liquor license suspension or revocation;

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds that it is in the interest of public health, safety, and welfare to adopt revisions to Chapter 6 in order to more effectively regulate retail and medical marijuana establishments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

1. Article 4 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

**6-4-80. Licensing requirements and procedure; provisions applicable to all licenses.**

...

(b) Application forms and supplemental materials. All applications for local licensing of retail marijuana establishments shall be made upon forms approved by the Board of

Trustees and provided by the Town Clerk. Applications shall be accompanied by the following documentation and information:

...

5) Proof of possession of the licensed premises. Proof of a lease or other written agreement authorizing the applicant to utilize the premises as a retail marijuana facility for a period of at least one year from the date of issuance of the license.

6) Disclosures related to ownership of the proposed business. Provide a Certificate of Good Standing from the Colorado Secretary of State, for applicants that are corporations, partnerships, or limited liability companies.

...

(f) Public hearing. The following public hearing procedure applies when an application has been deemed complete and has been found to comply with all zoning laws and other retail marijuana location restrictions set forth in Town laws. This public hearing procedure applies to any application for licensing of any retail marijuana establishment and to any application for licensing renewal if the renewal application is referred to the Board of Trustees by the Town Clerk pursuant to Section 6-5-180 of this Article.

...

- 4) The Board of Trustees may approve a medical marijuana establishment license with specific conditions. The Board of Trustees ~~has authority to~~ may refuse to issue ~~any a~~ medical marijuana establishment license for good cause, subject to judicial review. The term good cause means that the applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of the Colorado Medical Marijuana Code or any rule and regulations promulgated pursuant thereto, or this Article or rules or regulations promulgated pursuant to this Chapter; the applicant has failed to comply with any special terms or conditions that were placed upon the licensee by the Town; or the proposed licensed premises cannot be supported by the existing infrastructure of the Town.

#### **6-4-140. Ongoing license holder requirements; term of licenses; renewals.**

...

(c) By signing and submitting a license application, the license holder consents to inspections of the licensed premises by Town personnel for purposes of determining compliance with Town and state law.

(d) By signing and submitting a license application, the license holder agrees to attend any marijuana industry training programs hosted by the Town. A license holder may designate an employee of the licensed premises to attend such training programs, in lieu of attending personally.

(e) ~~(e)~~ Any local license issued pursuant to this Article shall be valid for a period of one year from the date of issuance and shall automatically expire after the one-year period has run. A license holder must apply for the renewal of an existing license at least 60 days prior to the license's expiration date. If the license holder fails to file a timely ~~files a~~ renewal application ~~within 60 days prior to expiration~~, the licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Town accepts the application, then it may elect to administratively continue the license beyond the expiration date while it completes the renewal licensing process, in which case, the license holder shall pay a \$1,000.00 fee.

(f) ~~(d)~~ Upon receipt of an application for license renewal, the Town Clerk shall determine whether the requirements of this Article have been met. If the applicant for renewal has previously held the same license in the Town for two consecutive years in compliance with this Article and any special terms or conditions that were placed upon the licensee, and the Town Clerk otherwise determines that the requirements of this Article have been met, the Town Clerk may grant the license for renewal, in which case such license shall be ratified by the Board of Trustees on consent at a public meeting. In all other cases, the Town Clerk shall refer the application for license renewal to the Board of Trustees for review and a public hearing, pursuant to Section 6-5-110 of this Article

2. Article 5 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

**6-5-110. Licensing requirements and procedure; provisions applicable to all licenses.**

...

(b) Application forms and supplemental materials. All applications for local licensing of retail marijuana establishments shall be made upon forms approved by the Board of Trustees and provided by the Town Clerk. Applications shall be accompanied by the following documentation and information:

1) Area map. An area map of the Town that is drawn to scale and demonstrates that the proposed licensed premises complies with Town zoning and location restrictions by depicting the proximity of the proposed licensed premises to any school, day care home, alcohol or drug treatment facility, retail marijuana store or medical marijuana center.

2) List of employees. The names and addresses of any employees or proposed employees of the retail marijuana establishment.

3) 2) Materials to comply with state law. Any such materials required to be provided to the State in order to receive a State-issued retail marijuana license pursuant to the Colorado Retail Marijuana Code and rules adopted pursuant thereto, including, by way of example, proof of possession of the licensed premises, disclosures related to ownership of the proposed business, fingerprints of the applicants and employees, building plans and security plans.

4) ~~3)~~ Supplemental materials to comply with local law. Any other documentation as may be necessary to effectively enforce this Article and other Town laws.

5) Proof of possession of the licensed premises. Proof of a lease or other written agreement authorizing the applicant to utilize the premises as a retail marijuana facility for a period of at least one year from the date of issuance of the license.

6) Disclosures related to ownership of the proposed business. Provide a Certificate of Good Standing from the Colorado Secretary of State, for applicants that are corporations, partnerships, or limited liability companies.

...

(f) Public hearing. The following public hearing procedure applies when an application has been deemed complete and has been found to comply with all zoning laws and other retail marijuana location restrictions set forth in Town laws. This public hearing procedure applies to any application for licensing of any retail marijuana establishment and to any application for licensing renewal if the renewal application is referred to the Board of Trustees by the Town Clerk pursuant to Section 6-5-180 of this Article.

...

5) The Board of Trustees may approve a retail marijuana establishment license with specific conditions. The Board of Trustees ~~has authority to~~ may refuse to issue ~~any a~~ retail marijuana establishment license for good cause, subject to judicial review. The term good cause means that the applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of the Colorado Retail Marijuana Code or any rules or regulations promulgated pursuant thereto, or this Article or rules or regulations promulgated pursuant to this Chapter; the applicant has failed to comply with any special terms or conditions that were placed upon the licensee by the Town; or the proposed licensed premises cannot be supported by the existing infrastructure of the Town.

#### **6-5-180. Ongoing license holder requirements; term of licenses; renewals.**

...

(c) By signing and submitting a license application, the license holder consents to inspections of the licensed premises by Town personnel for purposes of determining compliance with Town and state law.

(d) By signing and submitting a license application, the license holder agrees to attend any marijuana industry training programs hosted by the Town. A license holder may designate an employee of the licensed premises to attend such training programs, in lieu of attending personally

(e) ~~(e)~~ Any local license issued pursuant to this Article shall be valid for a period of one year from the date of issuance and shall automatically expire after the one-year period has run. A license holder must apply for the renewal of an existing license at least 60 days prior to the license's expiration date. If the license holder fails to file a timely ~~files a~~ renewal application ~~within 60 days prior to expiration~~, the licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Town accepts the application, then it may elect to administratively continue the license beyond the expiration date while it completes the renewal licensing process, in which case, the license holder shall pay a \$1,000.00 fee.

(f) ~~(d)~~ Upon receipt of an application for license renewal, the Town Clerk shall determine whether the requirements of this Article have been met. If the applicant for renewal has previously held the same license in the Town for two consecutive years in compliance with this Article and any special terms or conditions that were placed upon the licensee, and the Town Clerk otherwise determines that the requirements of this Article have been met, the Town Clerk may grant the license for renewal, in which case such license shall be ratified by the Board of Trustees on consent at a public meeting. In all other cases, the Town Clerk shall refer the application for license renewal to the Board of Trustees for review and a public hearing, pursuant to Section 6-5-110 of this Article

3. Section 6-1-90, Section 6-4-150, and 6-5-190 of the Town of Carbondale Municipal Code shall be deleted in their entirety, and a new Article 7 within Chapter 6 of the Town of Carbondale Municipal Code shall be enacted, as provided below in underlined text, to uniformly regulate the suspension or revocation of liquor, medical marijuana, and retail marijuana licenses:

**ARTICLE 7 – Suspension, revocation or nonrenewal of a liquor license, retail marijuana license, or medical marijuana license.**

(a) Grounds. Proceedings for suspension, revocation or nonrenewal of a license shall be commenced upon a request made by the Chief of Police to the Board of Trustees after a full investigation and determination that there is probable cause of a violation of local or state law.

(b) Public hearing procedures for suspension, revocation or nonrenewal of license.

(1) Once probable cause exists for suspension, revocation or nonrenewal of a license, the Board of Trustees shall set a time and place for a public hearing for consideration and a determination of the outcome for the subject license.

(2) The Board of Trustees shall appoint a hearing officer to preside over the public hearing. The hearing officer shall be either a Municipal Judge or any individual that the Board of Trustees deems qualified to conduct such hearings. The hearing officer shall hear and receive evidence and render a decision on the applicable law and the facts.

(3) Notice of the date, time and place of the public hearing, the alleged violations of local and state law and the grounds for probable cause that may result in suspension, revocation or nonrenewal of the subject license shall be provided to the

licensee at least 14 days prior to the public hearing. Notice shall be provided by personal delivery to the licensee by a member of the Police Department, and the Town Clerk shall mail written notice of the public hearing to the licensee by certified mail at the last address furnished by the licensee to the Town.

(4) All hearings before the hearing officer shall be conducted in accordance with the following procedures:

a. The hearing officer shall have the power to administer oaths, issue subpoenas, receive evidence, regulate the course of the hearing, control the decorum and conduct of the proceedings and, when necessary, grant continuances. In the event of a continuance, no advertised public notice of such continued hearing shall be required.

b. The hearing need not be conducted according to the technical rules relating to evidence and witnesses. However, irrelevant and unduly repetitious evidence shall be excluded.

c. The Town Prosecutor shall prosecute the licensee on behalf of the Town.

d. All hearings shall be open to the public unless otherwise authorized or permitted by applicable law.

e. Prior to the hearing, all documents and other items of evidence shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person. At the hearing, presentation shall be made by the Town staff and the Town Prosecutor, followed by questions by the hearing officer to staff. Presentation of evidence may then be made by the complainant, if any. Presentation of evidence may then be made by the licensee. The hearing officer shall provide time for rebuttal by the Town Prosecutor, the complainant, if any, and the licensee.

f. A record of the entire proceedings shall be by any means of permanent recording. The recording shall be retained by the Town Clerk for at least six months following the hearing.

(5) If a settlement and stipulation have not been reached prior to the public hearing pursuant to Subsection (c) below, the hearing officer shall make a written determination within 30 days after the close of the hearing. The written determination shall contain findings of fact and conclusions of law based on the evidence presented at the hearing. The Town Clerk shall provide a copy of the written determination to the licensee.

(6) The hearing officer may require a license holder to participate in a particular type of training and/or suspend any license, or the hearing office may revoke a license permanently, based on evidence of good cause therefor presented at the hearing. In the event of revocation, suspension or cessation of business, no portion of the license fee or any taxes shall be refunded.

(7) Whenever a decision to suspend a license for 14 days or less becomes final, the licensee may, before the operative date of the suspension, petition the Town Clerk or Town Manager for permission to pay a fine in lieu of a license suspension. Upon



receipt of the petition, the Town may, in its sole discretion, grant the petition to pay a fine in lieu of a license suspension. The fine in lieu shall be the equivalent of 20 percent of the licensee's estimated gross revenues from sales during the period of suspension; but said fine shall not be less than \$200.00 nor greater than \$5,000.00. Payment of any fine accepted in lieu of having a license suspended shall be in the form of cash, certified check or cashier's check. Recognizing that there is a potential adverse effect on the youth and community of the Town because of violations of licenses, 50 percent of any fine accepted in lieu of having a license suspended shall be deposited into a Town Liquor & Marijuana Educational Fund, and the remainder shall be deposited in the Town's General Fund.

(c) Settlement and stipulation. Prior to the issuance of any written determination of the hearing officer regarding the subject license, Town staff or the Town Prosecutor prosecuting the licensee on behalf of the Town, as the case may be, may enter into a settlement and stipulation with the licensee, including requiring a license holder to participate in a particular type of training. In the event of a settlement and stipulation, Town staff or Prosecutor shall impose a fine in lieu of suspension of the license. Payment of any fine accepted in lieu of having a license suspended shall be in the form of cash, certified check or cashier's check. Recognizing that there is a potential adverse effect on the youth and community of the Town because of violations of licensure, 50 percent of any fine accepted in lieu of having a license suspended shall be deposited into a Town Liquor & Marijuana Education Fund, and the remainder shall be deposited into the Town's General Fund.

(d) Appeals. The licensee shall have the right to appeal to the Board of Trustees and may, thereafter, seek judicial review. The Town Attorney shall act on behalf of and advise the Board of Trustees. The Board of Trustees shall not review de novo and shall only reverse a determination of the hearing officer if it determines that there was insufficient evidence in the record to support the judgment. The Board of Trustees may uphold or reverse the hearing officer's determination or refer the matter back for further proceedings.

INTRODUCED, READ AND PASSED this 8<sup>th</sup> day of June, 2016.

THE TOWN OF CARBONDALE

Dan Richardson  
Dan Richardson, Mayor Pro Tem

ATTEST:

Cathy Derby  
Cathy Derby, Town Clerk

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**ORDINANCE NO. 12  
SERIES OF 2016**

**AN ORDINANCE OF THE TOWN OF CARBONDALE, COLORADO, APPROVING REVISIONS TO CHAPTER 6 OF THE MUNICIPAL CODE OF THE TOWN OF CARBONDALE TO CAP LICENSING OF MEDICAL AND RETAIL MARIJUANA ESTABLISHMENTS, PROVIDE THAT LICENSING CAPS FOR MEDICAL AND RETAIL MARIJUANA ESTABLISHMENTS SHALL REMAIN IN PLACE UNTIL DULY AMENDED, TO ADD REVIEW CRITERIA THE BOARD OF TRUSTEES MAY CONSIDER DURING HEARINGS FOR LICENSURE, & TO ENACT A NEW CLASS OF MEDICAL MARIJUANA TESTING FACILITY LICENSE.**

WHEREAS, the Town has licensed and regulated retail and medical marijuana establishments for the past three years, and the Board of Trustees has identified changes or additions to existing provisions within the existing Retail Marijuana Licensing Ordinance and Medical Marijuana Licensing Ordinance that more effectively regulate marijuana licensing applications and Town's marijuana licensing approval, suspension, and revocation process;

WHEREAS, in order to address, in part, the concentration of impacts of the licensed marijuana industry on certain neighborhoods within the Town, the Board of Trustees seeks to reduce the cap on licenses granted for retail marijuana cultivation facilities and medical marijuana optional premises cultivation facilities, provide that licensing caps for medical and retail marijuana establishments shall remain in place until duly amended, and add certain review criteria that the Board of Trustees may consider during hearings on applications for licensure (including proximity to the same class of marijuana establishment, proximity to other medical marijuana and retail marijuana establishments, degree of concentration of marijuana establishments, reasonable requirements of the neighborhood, and potential impacts to the neighborhood by the granting of the subject license);

WHEREAS, given changes in Colorado law that provide for the licensing of medical marijuana testing facilities, the Town seeks to enact provisions to license such medical marijuana testing facilities;

WHEREAS, the Board of Trustees finds, determines, and declares that it has the power to adopt this Ordinance pursuant to Article XX of the Colorado Constitution and the Home Rule Charter of the Town of Carbondale; and

WHEREAS, the Board of Trustees finds that it is in the interest of public health, safety, and welfare to adopt revisions to Chapter 6 of the Municipal Code in order to more effectively regulate retail and medical marijuana establishments.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that:

1. Chapter 6, Article 4 of the Town of Carbondale Municipal Code regarding *medical* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

**6-4-30. Definitions.**

...

*Medical marijuana establishment* means a medical marijuana center, optional medical marijuana cultivation premises, ~~or~~ medical marijuana-infused products manufacturer, or medical marijuana testing facility.

...

**6-4-41. Transition provisions.**

The following provisions shall govern all applications for licensing of medical marijuana establishments submitted to the Town: No more than three optional premises cultivation facilities may be licensed within the Town.

...

**6-4-70. Classes of licensing authorized.**

...

- (1) Medical marijuana center ~~license~~;
- (2) Medical marijuana-infused products manufacturing facility license; ~~and~~
- (3) Optional premises cultivation facility license; and
- (4) Medical marijuana testing facility

**6-4-80. Licensing requirements and procedure; provisions applicable to all licenses.**

...

(f) *Public hearing.* The following public hearing procedure applies when an application has been deemed complete and has been found to comply with all zoning laws and other medical marijuana location restrictions set forth in Town laws. This public hearing procedure applies to any application for licensing of any medical marijuana establishment and to any application for licensing renewal if the renewal application is referred to the Board of Trustees by the Town Clerk pursuant to Section 6-4-140 of this Article.

...

- (2) At the public hearing held pursuant to this Section:

a. The Board of Trustees must make a finding and determination as to the good moral character of the applicant, meaning that the applicant has a personal history demonstrating honesty, fairness and respect for the right of others and for the law.

b. The Board of Trustees may consider the number, type and availability of the same type of medical marijuana establishment in the Town; the proximity of the subject license to the same class of medical marijuana establishment; the proximity of the subject license to other medical marijuana and retail marijuana establishments; the degree of concentration of medical marijuana and retail marijuana establishments; the reasonable requirements of the neighborhood; and potential impacts to the neighborhood by the granting of the subject license;

~~b. c.~~ The Board of Trustees may deny the application to license any retail marijuana establishment in the same location where any medical marijuana establishment or retail marijuana establishment is or has been previously licensed if there is evidence that the previously licensed premises ~~has been previously~~ was operated in a manner that adversely affects the public health, welfare or safety of the residents of the Town.

~~c. d.~~ Any party in interest shall be allowed to present evidence relevant to the issuance of a license ~~to the applicant~~. The term *party in interest* means the applicant or an adult resident of the Town. The Board of Trustees, in its discretion, may limit the presentation of evidence so as to prevent repetitive and cumulative evidence or examination.

~~d. e.~~ The Board of Trustees shall consider the facts and evidence adduced as a result of its investigation, as well as any other facts, ~~the number, type and availability of the same type of retail marijuana establishment in the Town~~ and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

...

#### **6-4-111. Medical marijuana testing facility licensing requirements.**

In addition to the requirements set forth in the Colorado Medical Marijuana Code and any rules or regulations adopted pursuant thereto, the following requirements shall apply to the issuance of a medical marijuana testing facility license:

(1) Compliance with zoning. A local license for a medical marijuana testing facility may only be issued for those lots on which, at the time of application for the license, testing laboratories constitute a permitted use pursuant to the Uniform Development Code.

(2) No shared interest. No local medical marijuana testing facility license may be issued to any applicant that shares an interest in a medical marijuana establishment or retail marijuana establishment located within the Town.

2. Chapter 6, Article 5 of the Town of Carbondale Municipal Code regarding *retail* marijuana licensing requirements shall be amended by deleting the language stricken and adding the language underlined to read as follows:

**6-5-50. Transition ~~provision~~ provisions.**

The following ~~timeline~~ provisions shall govern all applications for licensing of retail marijuana establishments submitted to the Town:

...

(2) ~~Until July 1, 2017, no~~ No more than five retail marijuana stores may be licensed within the Town; no more than five marijuana products manufacturing facilities may be licensed within the Town; no more than ~~five~~ three retail marijuana cultivation facilities may be licensed within the Town; and no more than five retail marijuana testing facilities may be licensed within the Town.

...

**6-5-110. Licensing requirements and procedure; provisions applicable to all licenses.**

...

(f) Public hearing. The following public hearing procedure applies when an application has been deemed complete and has been found to comply with all zoning laws and other retail marijuana location restrictions set forth in Town laws. This public hearing procedure applies to any application for licensing of any retail marijuana establishment and to any application for licensing renewal if the renewal application is referred to the Board of Trustees by the Town Clerk pursuant to Section 6-5-180 of this Article.

...

(2) At the public hearing held pursuant to this Section:

a. The Board of Trustees must make a finding and determination as to the good moral character of the applicant, meaning that the applicant has a personal history demonstrating honesty, fairness and respect for the right of others and for the law.

b. The Board of Trustees may consider the number, type and availability of the same type of retail marijuana establishment in the Town; the proximity of the subject license to the same class of retail marijuana establishment; the proximity of the subject license to other medical marijuana and retail marijuana establishments; the degree of concentration of medical marijuana and retail marijuana establishments; the reasonable requirements of the

neighborhood; and potential impacts to the neighborhood by the granting of the subject license;

~~b-~~ c. The Board of Trustees may deny the application to license any retail marijuana establishment in the same location where any ~~medical marijuana center~~ medical marijuana establishment or retail marijuana establishment is or has been previously licensed if there is evidence that the previously licensed premises ~~has been previously~~ was operated in a manner that adversely affects the public health, welfare or safety of the residents of the Town.

~~e-~~ d. Any party in interest shall be allowed to present evidence relevant to the issuance of a license ~~to the applicant~~. The term *party in interest* means the applicant or an adult resident of the Town. The Board of Trustees, in its discretion, may limit the presentation of evidence so as to prevent repetitive and cumulative evidence or examination.

~~d-~~ e. The Board of Trustees shall consider the facts and evidence adduced as a result of its investigation, as well as any other facts, ~~the number, type and availability of the same type of retail marijuana establishment in the Town~~ and any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

...

#### **6-5-150. Retail marijuana testing facility licensing requirements.**

In addition to the requirements set forth in the Colorado Retail Marijuana Code and any rules or regulations adopted pursuant thereto, the following requirements shall apply to the issuance of a retail marijuana testing facility license:

(1) Compliance with zoning. A local license for a retail marijuana testing facility may only be issued for those lots on which, at the time of application for the license, testing laboratories constitute a permitted use pursuant to the Unified Development Code.

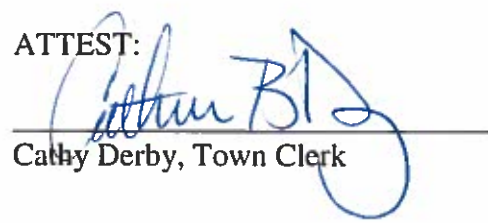
(2) No shared interest. No local retail marijuana testing facility license may be issued to any applicant that shares an interest in a ~~local retail marijuana store, product manufacturing facility or cultivation facility~~ medical marijuana establishment or retail marijuana establishment located within the Town.

INTRODUCED, READ AND PASSED this 13<sup>th</sup> day of July, 2016.

THE TOWN OF CARBONDALE

  
Dan Richardson, Mayor Pro Tem

ATTEST:

  
Cathy Derby, Town Clerk

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