

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

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

ROLL CALL:

The following members were present for roll call:

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

Student Trustee	Boden Hamilton
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Staff Present:

Town Manager	Lauren Gister
Town Clerk	Cathy Derby
Finance Director	Renae Gustine
Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman
Parks and Recreation Director	Eric Brendlinger

CONSENT AGENDA

- Accounts Payable totaling \$262,077.52
- BOT 2/8/2022 Regular Meeting Minutes
- BOT 2/15/2022 Work Session Minutes
- Liquor License Renewal – 7-Eleven
- Intergovernmental Agreement – Garfield County Clerk – Election Services
- Recommendation for Appointment – Bike/Pedestrian/Trails Commission
- Recommendation for Re-Appointment – Bike/Pedestrian/Trail Commission
- Contract Amendment – Comprehensive Plan
- Professional Service Agreement – Town Center Regulatory Analysis
- Resolution No. 5, Series of 2022 – FMLD Grant for Recreation Center Lighting Retrofit and Skylight Replacement

- Street Closure – Smiling Goat 5K

Trustee Sparhawk commented that one of the contracts contains the verbiage “illegal alien” which should be replaced with “worker without authorization.”

Trustee Sparhawk made a motion to approve the Consent Agenda with the contract amendment noted above. Trustee Kitching seconded the motion and it passed with:

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

PERSONS PRESENT NOT ON THE AGENDA

Jay Corsey, Carbondale, commented that the Weed Advisory Board conducted careful consideration on evaluating weed control methods. She recommended that weeds could be controlled with overplanting in certain areas.

TRUSTEE COMMENTS

Trustee Bohmfalk told the Board that he attended a CML webinar on housing. The State has \$400 million available to spend on housing by 2026. The State would like the housing to be net zero, and governments would have to make a valid claim that the housing is in response to COVID. Trustee Bohmfalk informed the Board that he spoke with Aspen Institute employee Evan Zislis and Evan offered to give the Board a 45 minute presentation on Better Argument Protocol (civil discourse.) The Board agreed that this could be part of the training for the new Board and should be scheduled after the April election.

Trustee Kitching stated that she attended the Ruedi Water and Power Authority retreat. The RF Valley has been awarded 250 hours of Water Now Alliance expertise to support the development of Demand Management guidelines. They discussed newly introduced terms including Destination Management, Over-Tourism and Revenge Travel. Trustee Kitching attended the Coventure board meeting where they talked about the budget which is on track, and labor shortage program. Coventure has replaced two Board members. The revival of in person congregate events are not being considered at this time. Carbondale Revolving Loan Fund had a meeting with an applicant who wants to open a book boutique. Trustee Kitching attended the Senior Matters Board meeting. They have improved their programming and community outreach. Trustee Kitching noted that she will be attending the Garfield County Energy and Environment Symposium. Trustee Kitching accompanied the building official on a building inspection; she encouraged her fellow Trustees to do the same.

Trustee Sparhawk stated that she attended the Chamber Business After Hours which was well attended. Business of the Year awards went to the Village Smithy and Aspen Valley Land Trust.

Trustee Yllanes stated that he attended the Parks and Recreation Commission where they talked about the Comprehensive Plan and Ballot Measure A. He also attended the

Public Arts Commission meeting – they are currently voting on Call for Entries. Trustee Yllanes congratulated the new businesses that are opening in town.

Trustee Silverstein informed the Board that he will be attending the Garfield County Emergency Management meeting on Thursday.

Trustee Henry told the Board that the Affordable Housing Letter of Intent (LOI) is scheduled on the March 8th Board of Trustees agenda. Pitkin County, and Aspen have already approved the LOI.

Mayor Richardson asked the Board if they approve sending the Letter of Support for Seed Peace to the Colorado Department of Agriculture. The Board authorized the Mayor to sign the letter. Mayor Richardson attended the RFTA Board meeting. They gave Dan Blankenship his annual review and complimented him on his succession plan. They discussed doing a Housing Feasibility Study and a Climate Action Plan. Mayor Richardson proposed that RFTA prioritize reducing regional transportation emissions over reducing RFTA-specific emissions. They also discussed the Bike Share Program. Mayor Richardson stated that he has been attending the Equity Action Project training and they are progressing. He commented that the more he learns about systemic racism, the more responsibility he feels to learn even more.

ATTORNEY'S COMMENTS

The Attorney did not have any comments.

8TH STREET BIDS

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

Kevin explained that the Town received two bids for the 8th Street improvements project. The lowest bid was \$120,000 over the estimated cost for the project. Kevin asked the Board if they would like to move forward with the project. Trustee Bohmfalk stated that the Town has already invested a lot of money in this project so he would like to see it come to fruition. Trustee Sparhawk asked Kevin if he was surprised that we only received two bids. Kevin responded no, the number of bids received for projects are going down throughout the valley.

Trustee Bohmfalk made a motion to approve the bid and authorize the Mayor to sign the 8th Street Improvements Project Agreement with Johnson Construction, Inc. Trustee Silverstein seconded the motion and it passed with:

6 yes votes: Silverstein, Richardson, Bohmfalk, Kitching, Yllanes, Sparhawk

Trustee Henry returned to the meeting.

SEASONAL YARD WASTE CONTRACT

Mayor Richardson stated that at the February 8th Trustee meeting a motion was made to put the Seasonal Yard Waste Contract out to bid. The vote resulted in a 3-3 tie. Trustee Sparhawk did not attend the March 8th meeting so Mayor Richardson asked Trustee Sparhawk if she would like to renew Mountain Waste's contract or put it out to bid. Trustee Sparhawk stated that she prefers to put the contract out to bid.

Discussion ensued.

Trustee Yllanes thanked everyone who sent an email on the bid.

The Board agreed that the contract would be for two years with the chance to renew the contract for another two years, but it will not be an automatic renewal.

Trustee Bohmfalk stated that in the Proposal Evaluation Criteria table he would like to eliminate the Yard Waste Drop-Site Location category (10%) and redistribute the percentages to Commitment to Sustainability (5%) and Strategy for Waste Reduction Including Public Promotion and Education (5%).

Mayor Richardson opened the meeting to public comment.

Mountain Waste employee Doug Goldsmith stated that Mountain Waste has been collecting town yard waste for the past two years. They entered into the contract in good faith. Normally when you revisit a contract you ask if the company provided good service and if so, you continue the contract. He asked the Board to take this into consideration.

Allie O'Neil stated that she agrees with Doug in honoring the contract, however, we are in a state of re-imagining what we want to do. Evergreen hired her to be an innovative educator. She asked the Board to give Evergreen the chance to bid - it's more progressive.

Mayor Richardson stated that he appreciates Doug's comments and the decision is not based on Waste Management's service. The way the contract was written calls for a check-in and now we have another party interested in bidding.

Trustee Sparhawk made a motion to put the Seasonal Yard Waste Contract out to bid. The term of the contract will be two years with a possible two year renewal and redistribution of the Proposal Evaluation Criteria percentages as follows: eliminate the Yard Waste Drop-Site Location (10%) and redistribute the percentages to Commitment to Sustainability (5%) and Strategy for Waste Reduction Including Public Promotion and Education (5%). Trustee Yllanes seconded the motion and it passed with:

*4 yes votes: Yllanes, Bohmfalk, Richardson, Sparhawk
3 no votes: Henry, Kitching, Silverstein*

INTEGRATED WEED MANAGEMENT PLAN

Eric explained that the weed management techniques prioritized in the plan include prevention, cultural (burn), mechanical (steam machine), biological, and as a last resort, chemicals. Soil health is extremely important, so they exhaust all strategies named above before resorting to chemical control.

Discussion ensued.

Trustee Silverstein stated it excellent that the Parks Department is trying to avoid using chemicals. He asked if the steam machine is working well? Eric responded yes, but it requires multiple applications. Trustee Silverstein asked if a second steam machine would help. Eric answered yes, the machine is always busy.

Trustee Henry stated the Plan is doing what we wanted, but how do you measure progress?

Eric stated that the Town is sharing their technique information with River Valley Ranch.

Chris Hassig asked Eric if the town has considered using goats to manage weeds? Eric said yes, they have identified a couple of places where they believe goats would be beneficial.

Trustee Henry made a motion to adopt the 2022 Weed Management Plan. Trustee Kitching seconded the motion and it passed with:

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

CONTINUED SHORT-TEM RENTAL (STR) POLICY DISCUSSION

Lauren explained that at the January 25th Board meeting the Trustees directed staff to draft and ordinance on STR licensing. Lauren met with the town attorney, planning and building staff, and they reviewed other municipalities' ordinances. Staff then created an ordinance for transitional licensing. Licensing will require the applicant to fill out a safety checklist which will include basic life safety items. Lauren presented the ordinance and stated that the Board needs to address the items in red.

Discussion ensued.

Trustee Kitching asked how may complaints has the Town received on STR's? Lauren responded not many. She noted we are not in a crisis mode, and the percentage of STR's is low.

Mayor Richardson opened the meeting to public comment.

Jon Flake, stated that he supports this measured, balanced approach.

Shirley Powers, Carbondale, stated it's a good beginning, it addresses the (lack of) data issue and slows down property speculation.

Chris Hassig, Carbondale, told the Board the ordinance avoids creating a gold rush (of speculators).

Jay Corsey asked if the STR manager would need to be available in person? Also, would the STR need a full-time manager or only when it is rented?

Kevin Rayes, Carbondale, stated that Community First Carbondale's proposed definition of a full-time resident is some who lives in their residence nine months out of the year because that is what the local housing authority uses. Kevin stated that Lauren mentioned that we are not in a STR crisis, but we are in an affordable housing crisis.

STR's impact neighborhoods on a daily basis. The ordinance states that only a natural person may obtain a permit. He asked if a person can only own one permit. Kevin also asked if licenses would be grandfathered from future regulations.

Lauren stated the six month definition of full-time resident was taken from the IRS standard, not the affordable housing authority standard. Lauren explained that currently the type of response by the manager is not specified. She noted that we can not tell when an STR is rented.

Discussion ensued and the Board provided the following answers to the items in red:

Time for a STR manager to respond: 60 minutes

Definition of full-time resident: 6 months plus one day (IRS standard)

To qualify for a STR license the applicant must provide proof that lodging tax has been paid on the STR prior to: March 8, 2022

License Fees: \$75 per bedroom

Number of Complaints before Revocation of License: 3

Affordable Housing Units: Prohibited from obtaining a STR license

Penalty for not having a license: \$1,000 + 100/day up to 30 days

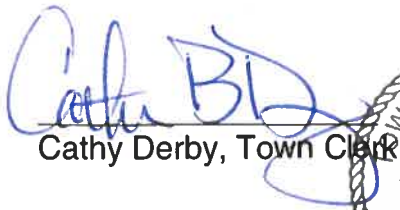
Staff will return with an updated STR ordinance on March 8th.

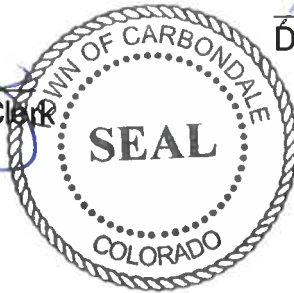
ADJOURNMENT

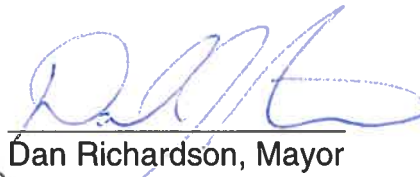
The February 22, 2022, regular meeting adjourned at 8:55 p.m. The next regular meeting has been scheduled on March 8, 2022, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST


Cathy Derby, Town Clerk




Dan Richardson, Mayor