

**MINUTES
CARBONDALE BOARD OF TRUSTEES
REGULAR MEETING
CARBONDALE TOWN HALL
AND VIA ZOOM
JANUARY 24, 2023
MEETING**

Mayor Bohmfalk called the Board of Trustees Regular Meeting to order on January 24, 2023, at 6:00 p.m.

ROLL CALL:

The following members were present for roll call:

Mayor	Ben Bohmfalk
Trustees	Marty Silverstein
	Lani Kitching
	Chris Hassig
	Colin Laird

Absent	
Trustees	Erica Sparhawk
	Luis Yllanes

Staff Present:

Town Manager	Lauren Gister
Town Clerk	Cathy Derby
Finance Director	Christy Chicoine
Town Attorney	Mark Hamilton
Public Works Director	Kevin Schorzman
Utility Director	Mark O'Meara

CONSENT AGENDA

- Accounts Payable totaling \$141,828.12
- BOT 1/10/2023 Regular Meeting Minutes
- Art Gallery Permit – Carbondale Arts
- Art Gallery Permit – Carbondale Clay Center
- Owner's Representative Contract – Aquatic Center
- Crystal River Restoration Contract Amendment

Trustee Hassig questioned the \$59,000 increase in the cost of the owner's representative aquatics contract. Paul Wember, of Wember, Inc. the aquatics owner's representative, explained that there are two construction options. Option A is a very aggressive approach with the intent to begin demolition and construction at the end of a shortened season in September with completion scheduled for May 2024. If unforeseen

circumstances arise, that do not allow this schedule to be met, and delays construction until the spring of 2024, the fee will increase in the amount of \$59,000.

Trustee Silverstein made a motion to approve the Consent Agenda. Trustee Laird seconded the motion and it passed with:

5 yes votes: Hassig, Silverstein, Bohmfalk, Kitching, Laird

PERSONS PRESENT NOT ON THE AGENDA

There was no one present who wished to address the Board.

TRUSTEE COMMENTS

Trustee Silverstein extended his condolences to the families of Mark Grambois and Dr. Morris Cohen. Trustee Silverstein also extended his thoughts to the victims, families and the police department involved in the recent mass shooting in California.

Trustee Hassig also extended his sympathy to the family of Mark Grambois. Trustee Hassig noted that Mark was very dedicated to KDNK. Trustee Hassig commented that Liam Laird performed on KDNK and sounded phenomenal – he is creating great art.

Trustee Laird told the Board that he attended the West Mountain Regional Housing Coalition (WMRHC) retreat. They are waiting for DOLA to announce if they will be receiving a contribution. Trustee Laird stated that CAST sent him an email regarding Governor Polis' potential housing plan – we will need to decide what our position is.

Trustee Kitching stated that 6.2 million fowl/birds have succumbed to the Avian Flu. She cautioned people to distance themselves from sick birds, although no reported bird to human transmission has been reported. Trustee Kitching informed the Board that she attended the SWIM (detox facility) governance meeting last week. The building costs have exceeded their budget, so they hired an owner's representative to facilitate the project. Construction probably won't start until summer.

Mayor Bohmfalk stated that the Board received a nice thank you note from English in Action for their community grant. Mayor Bohmfalk attended the RFTA board meeting. They approved additional funding for the Glenwood Springs 27th Street underpass project. They also discussed their 2023 extensive work plan. RFTA has formed a sub-committee to discuss the future of transportation for Garfield County. Mayor Bohmfalk also attended the Garfield Clean Energy (GCE) meeting where they discussed their 2023 work plan, and the Colorado Energy Efficient Building Code. One of GCE's goals is to transition 15% of vehicles in Garfield County to electric vehicles in the next ten years.

ATTORNEY'S COMMENTS

The Attorney did not have any comments.

MANAGER'S REPORT

Lauren informed the Board that the new town clerks starts on February 6th and she hired a planner who will start on February 13th. Lauren told the Board that she has had remote meetings with Artspace and Amy Kimberly. They discussed the application process, grants, and preparing an initial timeline for pre-development. Lauren stated that the Board will receive a hard copy of the Comprehensive Plan next week. Lauren wished Trustee Silverstein a Happy Birthday.

WATERING RESTRICTION DISCUSSION – RUEDI WATER AND POWER AUTHORITY (RWAPA) INITIATIVE

April Long, RWAPA Executive Director, was present for the meeting.

April explained that RWAPA was awarded a grant to explore the concept of placing valley-wide permanent water restrictions on residential and commercial irrigation and undertake a regional educational water efficiency campaign. April noted that several valley communities already have permanent water restrictions in place. If the watering restrictions are valley-wide it would (hopefully) eliminate confusion amongst landscapers, etc. Initially there wouldn't be any enforcement, but in the future a regional enforcement officer(s) could possibly be hired.

Discussion ensued.

Mayor Bohmfalk asked April if there is evidence of water savings in the communities with watering schedules? April responded that they do not have a baseline. Mayor Bohmfalk asked if we save a lot of water what good would it do? April answered that Carbondale is not water rich, increased temperatures are drying up the rivers, there is 20% less water in the rivers and the Colorado River Basin. If we use less water we will not be drawing water from the aquifers and we would see more water in the rivers. The best approach is to lead by example, don't blame your neighbor for using too much water.

Trustee Kitching stated that Waternow Alliance's report assumed residences have control of their own water. In Carbondale many homeowner associations (River Valley Ranch, Hendricks Ranch, Keator Grove) control the watering schedule. Also, there are infrastructure challenges – each municipality has its own nuances, and they need to adopt to their own situations. For example, Carbondale has a ditch water system.

April agreed that Carbondale is more unique, but it's not different from the Mid-Valley Metropolitan District. RWAPA would encourage those using the ditch system to follow the proposed regional watering standards.

Kevin stated that the next step is to understand what our goal would be should we choose to implement restrictions. April responded that the goal is to pool resources and educate and change behavior so that less water is used.

The Board agreed that education is an important first step. They were not convinced that water restrictions will get us to our goal. The Board was leery with the idea that regulations would be put in place and not enforced.

Mayor Bohmfalk stated that he likes the idea of being part of a valley-wide effort and leading by example. Carbondale has a long history of doing the right thing (e.g. bag ban). Mayor Bohmfalk believes that the goal is to reduce water demand rather than increase supply (less investment in infrastructure). Water reduction is a tool to achieve this goal.

The Board requested the following information prior to the next meeting:

- Provide examples of how up-valley communities deal with homeowner associations with existing water restrictions
- RWAPA provide more detail on water conservation
- What would enforcement look like
- Investigate if other communities implemented landscaping changes
- Do other communities have water reduction goals
- Do we want to give outside agencies the right to enforce Carbondale residents
- What restriction(s) do the other jurisdictions feel is reasonable to implement
- Information on Colorado water system hydrology
- How would water conservation help us reach our goals

The Board will revisit this topic at a February meeting.

ORDINANCE NO. 1, SERIES OF 2023 – SHORT-TERM RENTAL TAX

Lauren explained that the purpose of Ordinance No. 1 is to codify the tax in the municipal code. Airbnb and VRBO have systems in place to collect and remit the tax. Individual homeowner may be slower in conforming to the new tax.

Lauren stated that the Town will run a service announcement on the new tax in the next week.

Trustee Laird made a motion to approve Ordinance No.1, Series of 2023. Trustee Silverstein seconded the motion and it passed with:

5 yes votes: Kitching, Silverstein, Laird, Bohmfalk, Hassig

ORDINANCE NO. 2, SERIES OF 2023 – BAG FEE

Lauren explained that the Carbondale Board of Trustees adopted Ordinance No. 12, Series of 2011 ("the 2012 Bag Ordinance") which banned the use of plastic bags at grocers larger than 3,500 square feet and imposed a fee on single-use bags beginning May 1, 2012. In 2022, the State of Colorado passed HB 21-1162, a statewide single-use carryout bag ban and fee that are similar to Carbondale's, but which contains differences in definitions, timing, fees and certain other requirements.

Currently, the Town ordinance bans grocers of more than 3,500 square feet from using plastic bags, and requires that they charge a 20-cent bag fee on paper bags used, the majority of which is remitted to the Town of Carbondale. The new state law mandates a 10-cent bag fee on all bags (plastic and paper) on impacted stores beginning on January 1, 2023 and bans plastic carryout bags at these stores beginning January 1, 2024. For the state's 10-cent fee, 60% of the bag fee is to be remitted to the Town, and 40% may be kept by the store. The state law allows the town to be more restrictive (but not more lax), and to require a higher fee than that imposed by the state law.

The state law applies to "a Farmers' Market, roadside market or stand, festival, or other temporary vendor or event that includes temporary vendors. It also applies to "a grocery store, supermarket, convenience store, liquor store, dry cleaner, pharmacy, drug store, clothing store, or other type of retail establishment at which carryout bags are traditionally provided to customers", except a "small store" which is defined as a store that "operates solely in Colorado, has three or fewer locations in the state, and is not part of a franchise, corporation, or partnership that has physical locations outside of Colorado." The state's bag fee and ban does not apply to "retail food establishments that prepares or serves food in individual portions for immediate on- or off-site consumption, and is not a grocery store or convenience store." The proposed ordinance reconciles the Town ordinance with the state law by enacting a 20-cent fee on all bags for all stores beginning January 1, 2023. The ordinance continues the ban on plastic bags for large grocers, and institutes a plastic bag ban on all other stores on January 1, 2024 in alignment with the state law.

The Town's current ordinance, which requires a 20-cent fee on paper bags from one large grocer over 3,500 square feet in size, resulted in paper bag fee revenue of

\$38,957 in 2021. Projections for 2022 are approximately \$33,000. The fiscal impact of including a 20-cent fee on all bags from all stores, with 16 of each 20 cents remitted to the town, is unknown at this time.

Discussion ensued.

Trustee Silverstein suggested raising the fee to \$.25, as the fee goes to waste diversion efforts. Trustee Laird thinks that a store should be defined by its square footage.

The Board agreed that outreach is needed on this topic before another meeting.

The Board would like staff to create a chart outlining the town's proposal versus the state law.

EXECUTIVE SESSION

At 8:20 p.m. Trustee Silverstein made a motion to go into an Executive Session for a discussion of a personnel matter under C.R.S. 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Trustee Hassig seconded the motion and it passed with:

5 yes votes: Silverstein, Hassig, Laird, Kitching, Bohmfalk

At 9:07 p.m. Trustee Silverstein made a motion to adjourn the Executive Session and return to the regular meeting. Trustee Laird seconded the motion and it passed with:

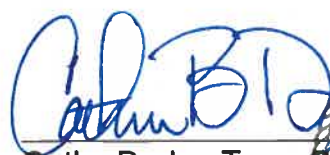
5 yes votes: Bohmfalk, Kitching, Laird, Hassig, Silverstein


ADJOURNMENT

The January 24, 2023, regular meeting adjourned at 9:08 p.m. The next regular meeting has been scheduled on February 14, 2023, at 6:00 p.m.

APPROVED AND ACCEPTED

ATTEST


Cathy Derby, Town Clerk

The seal of the Town of Carbondale, Colorado, is circular with a double-line border. The outer ring contains the text "TOWN OF CARBONDALE" at the top and "COLORADO" at the bottom. The center of the seal features the word "SEAL" in a large, bold, serif font.


Ben Bohmfalk, Mayor