

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, March 21, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:00PM.

Council Members Present: Jim Schmidt, Erika Vohman, Chris Ladoulis, Roland Mason, Laura Mitchell, and Paul Merck

Staff Present: Town Attorney John Belkin and Town Clerk Lynelle Stanford

Public Works Director Rodney Due, Building and Zoning Director Bob Gillie, Finance Director Lois Rozman, Parks and Recreation Director Janna Hansen, and Marshal Joseph Dukeman (all for part of the meeting)

APPROVAL OF THE AGENDA

Schmidt added an amendment, an announcement by the Mayor regarding the Town Manager, to the beginning of the meeting before the Consent Agenda.

Schmidt moved and Merck seconded a motion to approve the agenda as amended. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Belkin confirmed they had received a letter of resignation from Crossett as well as a signed separation agreement. He suggested that they amend the agenda approval to make an approval of the acceptance of Crossett's resignation and of the separation agreement.

Ladoulis moved and Mitchell seconded a motion to amend the amended agenda to include the acceptance of the Town Manager's letter of resignation and to consider the separation agreement. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Belkin explained the first page of the packet he handed out was Crossett's resignation effective today, and the packet included the separation agreement. They had agreed to a three-month severance, and Crossett could live in the house for three months, concluding on June 20. He explained the severance was part of the employment agreement. Town agreed to not object to a claim made for unemployment. Belkin said Crossett would sign a lease for the property for the next three months, and he explained terms of the lease. Belkin recommended they accept Crossett's resignation and separation agreement as prepared. He further explained the separation agreement was not effective for seven days. Michel thanked Crossett for his service to Town, and he wished him the best of luck.

Schmidt moved and Merck seconded a motion to accept the letter of resignation and approve the separation agreement as presented by the Town Attorney from Todd Crossett. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) Approval of March 7, 2016 Regular Town Council Meeting Minutes.**
- 2) Approval of Authorization for the Mayor to Sign a Letter of Support for People for Bikes for the Crested Butte Bike Park Project.**
- 3) Approval of Resolution No. 6, Series 2016 – Resolutions of the Crested Butte Town Council Awarding a Construction Services Contract to Mueller Construction Services, Inc. for a Clarifier Improvement Project in an Amount not to Exceed \$113,000.00.**
- 4) Approval of Resolution No. 7, Series 2016 – Resolutions of the Crested Butte Town Council Approving the Vacation and Termination of the Crested Butte House Condominiums According to the Plat Thereof Recorded in the Official Real Property Records of the Clerk and Recorder of Gunnison County, Colorado on October 24, 2001 at Reception No. 515310.**

Ladoulis requested that item number four be moved to New Business.

Mitchell moved and Mason seconded a motion to approve the Consent Agenda with moving item number four to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

None

STAFF UPDATES

Lynelle Stanford

- Mentioned special events that would be included on an upcoming agenda.
- Flauschink was proposed for April 2, and it would be approved administratively.
- Staff would be meeting this week on Bike Week and 4th of July.
- The next Council meeting would start at 6PM.

Lois Rozman

- They were doing well on the conversion to MuniRevs. At least 50% of sales tax filers were filing online.
- They sent out letters to notify that business licenses were late as of March 15.
- Auditors were here last week.

Rodney Due

- Attended three days of training last week, including a water law class on one of the days.
- The second day of a two-day session was on the Standard Mine spill. They discussed failure modes effects analysis to include failure points and outcomes. They also reviewed ten scenarios, which gave the engineers thoughts to consider adjusting their plans. The EPA would be presenting at a meeting in April.
- He added that the water attorney would be coming back the second meeting in April.

Janna Hansen

- Her department was gearing up for spring and summer, and they were hiring summer crewmembers.
- The Weed Board had been meeting, and they would be coming to Council with an updated weed plan in April or May.
- Hired Art Mears for expertise on avalanche concerns at Big Mine. He would evaluate the southern slope and give a recommendation.
- Hansen confirmed for Michel that bike racks would come out Memorial Day.
- Schmidt questioned events and weddings for the summer. He wondered if the Music Festival would be using Big Mine. Hansen said the Music Festival had not contacted her to use Big Mine. Weddings were booked solid at Town Ranch. She added that multiple events were vying for park space, which had to be balanced with the need to keep parks open for the public. Vohman wondered if people paid to rent parks. Hansen confirmed they did and the fees were based on the amenity used. Hansen explained the fees did not cover the actual cost, and they were a subsidized Town amenity.

Joseph Dukeman

- Presented on the multi-agency training that took place at the school.
- He explained it was the second such exercise that they organized. In 2013, they did the same thing, and this one was a step up. In 2013, it was a tabletop exercise, and people knew their roles ahead of time. For this year's training, they had 15 actors from Western. They used blanks to make the exercise realistic.
- Training created better communication amongst agencies. The incident command system was incorporated.
- Recognized that not everything was done perfectly, but it was a success.
- Michel asked if there was anything the Council could do to help facilitate future trainings and exercises. Dukeman said they would love a facility of some sort, or the Town shops could be used for training exercises. He thought a warehouse with rooms that could be arranged based on the training situation would be useful.
- Schmidt asked if all the teachers were at the training. Dukeman said only those who wanted to participate were there. There were ten teachers and five faculty members. They hoped in the future to include students for the teachers to manage.

PUBLIC HEARING

1) Ordinance No. 2, Series 2016 – An Ordinance of the Crested Butte Town Council Adopting Changes and Additions to the 2016 Budget and Appropriations Relative to the General Fund, and General Capital Fund.

Michel confirmed proper public notice was given. Rozman said there had been an additional capital fund request from building maintenance for \$20K for carpeting in Town Hall. The carpet had been showing wear, and the original amount budgeted did not contemplate carpeting the stairs.

Ladoulis questioned if it was best to do a secondary amendment in light of the Town Manager news, which Rozman confirmed. Schmidt wondered what the status was on the bathrooms at the Chamber, and he asked if the project would also require a secondary amendment. Gillie said the design would be done this year, but they had not considered actual construction this year. He thought the RFP for an architect would be going out this week. He confirmed for Schmidt that the idea of using the existing structure for incorporating bathrooms would be one of the three scenarios considered.

Michel opened the discussion to public comment:

Jim Starr – 323 Gothic Ave – Present on behalf of Coal Creek Watershed Coalition (CCWC)

- He strongly supported the budget amendment for legal fees (\$50K) for the Mt. Emmons Special Project. He thought there could be a once in a lifetime opportunity. The water coming down Coal Creek could be as clean as possible, and mineral rights for the mine could be taken out of play.
- Stated that CCWC was not a political organization. They had been gathering data and developing watershed monitoring plans.
- The MOU spoke to working with Mt. Emmons Mining Company (MEMCO) to agree on water standards. They would work with stakeholders, and they would take the chance to work with MEMCO.
- He asked that the Council consider a placeholder for CCWC to come back to request funding. Michel wondered how much. Starr said it would be less than \$20K. He said it was difficult for them to raise funds, and he anticipated requesting funding from the County, too. Michel asked when they would come back to Council. Starr said he expected within a month to six weeks, but he didn't have a date certain.
- Vohman wanted to know if CCWC was testing for nitrates and heavy metals. Starr said he would check.
- Schmidt recalled that CCWC requested funding last year for outhouses up the Slate. He asked if they would request funding this year. Starr said they might ask because BLM had allocated \$400K, which would require a NEPA process and wouldn't be available this year.

Belkin met with Freeport-McMoRan, and they pitched bringing in CCWC to work with Freeport. CCWC drafted a letter for their technical person to work with Freeport's technical person. Rule making would be coming up in 2017. Belkin thought that working with CCWC was a good way for Freeport to work with the community. Public comment was closed, and it was moved to Council discussion.

Schmidt moved and Mason seconded a motion to amend Ordinance No. 2, Series 2016 by changing the General Capital Fund amended amount from \$2,906,190 to \$2,926,190 and approving Ordinance No. 2, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt stated he had absolute trust and faith in the Staff. He appreciated all of their hard work. Michel agreed that he spoke for the whole Council.

NEW BUSINESS

1) Brief Overview of Updated Town Council Handbook and CIRSA Handbooks. Town Clerk, Lynelle Stanford and Town Manager, Todd Crossett.

Michel explained that the handbook outlined rules they had as a Council and how they agreed to work as a team. He explained that they would have a discussion during an upcoming meeting. Ladoulis requested the information in digital format. Belkin agreed it was good information to have, and Michel said the Council should be approving yearly.

2) Approval of Resolution No. 7, Series 2016 – Resolutions of the Crested Butte Town Council Approving the Vacation and Termination of the Crested Butte House Condominiums According to the Plat Thereof Recorded in the Official Real Property Records of the Clerk and Recorder of Gunnison County, Colorado on October 24, 2001 at Reception No. 515310.

Ladoulis acknowledged the condos were being vacated, and there was one residence in the back. He wondered if the action caused it to no longer be a residence. Gillie confirmed it had been absorbed into a hotel model for Icehouse LLC, and it was no longer a residence. Ladoulis wanted to know if the resolution converted its use. Gillie said the resolution was a clean-up item from a few months ago. Gillie said there was no deed restriction, and there was nothing untoward about it. Ladoulis was concerned about the precedential value, and each time the (housing) stock went down, it was worth the conversation. He wanted to understand what governed the change from residential to commercial. Gillie said they were dealing with the free market and what was permitted in each zone district. They had very little teeth in telling people what they could do if they had the right under the zoning article.

Next, Ladoulis brought forth his concern when an ice dam fell off the roof, very nearly causing a person serious injury. He asked if they were required to have snow stops installed on their roof. Gillie said there were other historical buildings whose roofs shed into the right of way, and they had been signed. Ladoulis asked if snow stops would have

prevented the incident. Other issues caused by snow stops were identified. Ladoulis thought they had a compelling reason to take action. Gillie said the issues were unrelated. Ladoulis wanted to link the conversations but not the actions. Michel asked Gillie to check BOZAR's approval and if they required snow stops.

Belkin stated it was condominiumized, and it was before Council to vacate the condominium regime. Gillie provided a history on the property, and he said it was divided up at one time, most likely for the owners to make money. It was then sold to Icehouse LLC. Ladoulis wondered if the Council was unwilling to approve, if it would revert back to a residence. Gillie reiterated it was truly a housekeeping item. Ladoulis wanted to make sure the Council didn't vote to take away a residence in Town. Belkin said there was no deed restriction, so there was no leverage.

Ladoulis moved and Schmidt seconded a motion to approve Resolution No. 7, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt asked Gillie if there was anything preventing condos from being converted into a single, large unit. Gillie said he had not considered it. He said there would be some constraints because multi-family buildings had a higher FAR, and if they converted, they would be out of compliance with the Code. Gillie reminded the Council they were free market units, increasing in value to a point that was beyond most locals being able to purchase. He said they could lose rental stock, but they probably needed to approach it with money. Schmidt said he would hate to lose (condo) buildings. Gillie said a lot would depend on if one person or a condo association owned condos. Belkin said they could regulate based on impact. Schmidt recognized that Town didn't allow scrape-offs, unlike Aspen.

LEGAL MATTERS

Belkin sent an update on the Mt. Emmons meetings. He reported that they went really well. Freeport was clearly not interested in development. They thought they could see the need to build another plant. They wanted to do the right thing. Belkin expected the situation to evolve over the coming weeks.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Jim Schmidt

- The Cemetery Committee met. The meeting was sparsely attended. There were two winter burials in the cemetery this year. They discussed the extensive demands of winter burials on the Public Works crew. He added that the crew did an outstanding job, and the families were thankful. Stated that 85% of burials were cremains, which was a number expected to increase over the years.
- Since the Housing Committee meeting had been cancelled, he called Karl (Fulmer) for an update on Anthracite Place. They brought in a crew to finish the drywall. The floors were done, and they would start bringing in cabinets. The roof was slowly getting done. More than 30 people had applied, and 24 people

who had applied did qualify. They felt the building would be completely rented by opening day. Short-term rentals and possible taxes would be on the agenda for the next housing meeting.

Erika Vohman

- They had an awesome meeting on plastic bags. The high school students were getting involved. A business owner wanted to see a possible ordinance that allowed for different sizes of bags. They discussed who would enforce a plastic bag ban, including the Chamber or the Town.
- Vohman brought an example to show the Council of a biodegradable pet waste bag.

Paul Merck

- The action plan for the One Valley Prosperity Project (OVPP) would be coming out soon. He served on the social services and healthcare portion of the OVPP.
- Attended a Coldharbour meeting. They were working on land usage, sage grouse, and possible traffic issues on the Coldharbour site.
- He attended the multi-agency training exercise discussed earlier in the meeting by Dukeman. He said there were very good, very professional emergency responders in Crested Butte.

Laura Mitchell

- Attended a Mountain Express meeting. They were working on equitability issues concerning part-time and full-time drivers.
- There had been a dust up concerning the PAWS bus.

Roland Mason

- Attended a Mountain Express meeting. It was Gary Keiser's last meeting. Keiser had helped in getting the shop and with finances during low times. He also helped Mountain Express split their accounting from the Town's. Keiser was presented with various parting gifts.
- Attended a RTA meeting. Winter flights reflected a 70% load factor, which was on target. The TA would specifically market in the areas the airlines were serving.
- RTA had a retreat, and they developed a sub-committee to specifically deal with air travel. They would determine direction and bring it back to the RTA Board for a final decision.
- They were kicking off a seniors program that would be run by Mountain Express up here until the hospital took over the whole program.

Laura Mitchell

- Mountain Express had discussed the fence that was to go around the whole bus barn and the fences that Cypress would erect. She wondered who would take care of them. Mason added that the Public Works Master Plan was based on a full annexation. Mountain Express was ready to expand when they received word that the plan had changed.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Michel identified the need for a retreat to discuss the next steps in replacing the Town Manager. Schmidt suggested next Monday, March 28. They needed to appoint an interim Town Manager, and they needed to figure out recruitment and hiring processes. The Council agreed to meet in a retreat on Monday, March 28 at 6PM.

Next, the Council recognized that loose ends needed to be tied up with Crossett's pending work, including a letter to the Forest Service and the Town's civil engineer. Michel said he would meet with Crossett to discuss, and both Vohman and Merck said they would help.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, April 4, 2016 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, April 18, 2016 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, May 2, 2016 – 6:00PM Work Session – 7:00PM Regular Council

Ladoulis mentioned the cancelled work session, and he wondered when they would circle back to VHRs. Belkin reminded them it could take time to get back since Crossett was leading the discussion. Schmidt recalled that Gillie, Yerman, and Rozman were on a subcommittee on VHRs, and they could be up to date. Vohman said they could direct the Town Attorney to research the legal implications. Schmidt saw two categories of enforcement: taxing and regulation. He thought regulating was the low hanging fruit. Schmidt said he would discuss with Gillie and Rozman to possibly include on the April 4 agenda.

ADJOURNMENT

Mayor Michel adjourned the meeting at 8:33PM.



Glenn Michel, Mayor



Lynelle Stanford, Town Clerk (SEAL)

