

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, May 2, 2016
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:02PM.

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

Staff Present: Interim Town Manager Bill Crank, Town Attorney John Belkin, and Town Clerk Lynelle Stanford

Public Works Director Rodney Due, Building and Zoning Director Bob Gillie, Parks and Recreation Director Janna Hansen, and Town Planner Michael Yerman (all for part of the meeting)

APPROVAL OF THE AGENDA

Crank requested an addition to the agenda to address a contract issue at the beginning of New Business. Mitchell requested the addition of a discussion concerning the Meadows to Other Business.

Schmidt moved and Mitchell seconded a motion to accept the agenda with the addition of contract discussions to the beginning of New Business and adding a discussion of the Meadows situation under Other Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

1) Approval of April 18, 2016 Regular Town Council Meeting Minutes.

2) Approval of Restaurant/Bar Seating on Public Sidewalks for: Brick Oven LTD DBA Brick Oven Pizzeria Located at 223 Elk Avenue; The Sunflower LLC DBA The Sunflower Located at 214 Elk Avenue; B & C Restaurants LLC DBA Elk Avenue Prime Located at 226 Elk Avenue; Vertigo Ventures LLC DBA The Secret Stash Located at 303 Elk Avenue; and Teocalli Tamale Company DBA Teocalli Tamale Located at 311½ Elk Avenue.

3) Approval of Crested Butte Bike Week Special Event Application and Liquor Permits, for June 23 to 26, 2016 to Include the Chainless Race on Friday, June 24, 2016 in the 10 and 100 Blocks of Elk Avenue and the 1st and Elk Parking Lot and the Fat Tire 40 on Saturday, June 25, 2016. The Event Venue Would Also Close a Portion of the Chamber Parking Lot from June 23 to June 26, 2016.

4) **Approval of Paragon People's Fair Special Event Application for September 3 to 4, 2016 on Elk Avenue, from 2nd Street to 4th Street, and on 3rd Street, from Alley to Alley.**

5) **Approval of Crested Butte Farmers Market Special Event Application on Sundays from June 5 to October 2, 2016 in the 100 Block of Elk Avenue, with the Exception of Sunday, August 7, on Which the Farmers Market will Be Located at Crank's Plaza to Allow for Arts Festival.**

6) **Approval of SplatterDash Special Event Application for Saturday, July 2, 2016 with the Start and Finish at Totem Pole Park and Route Through Town on Maroon Avenue to 1st Street to Butte Avenue, 6th Street, and Back to Totem Pole Park, With a Shorter Route Also Using 3rd Street from Totem Pole Park.**

7) **Approval of Resolution No. 9, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Award of the 2016 Tennis Courts Parking Area Paving Project Contract to Oldcastle SW Group, Inc., dba United Companies in an Amount Not to Exceed \$40,000.00.**

8) **Approval of Resolution No. 10, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Consulting Services Agreement with JVA, Incorporated for the Performance of the Avalanche Park Campground Civil and Transportation Engineering Due Diligence Study.**

Schmidt requested the removal of item number 8. It was moved to the end of New Business. Crank stated there was a change to the minutes, number 1 under New Business, concerning if he confirmed the County would re-pay \$6,750. It was struck.

Vohman moved and Merck seconded a motion to approve the Consent Agenda with the exception of number 8. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Benjamin Swift – 169 Slate River Drive in Riverbend

- Stated he was a proponent of eliminating single use bags in Crested Butte.
- He worked with Vohman and Merck, and they outlined what they wanted to see in an ordinance.
- He said that plastic bags remained in nature for centuries, and paper bags were not better alternatives.
- He explained they wanted to start in ordinance in June or July to start phasing out paper and plastic bags by assessing a \$.25 fee. By June or July of 2018, they wanted a full out ban on all single use bags.
- Swift said people would use compostable dog waste bags instead of plastic, and the ban would encourage the use of renewable options.
- They surveyed stores, and 75% were in favor of a plastic bag ban.

- Swift asked the Council to consider drafting an ordinance.
- Michel asked the Council if they wanted to place the item under Other Business to direct Staff to work on the ordinance. Michel explained the process of passing an ordinance to Swift.

Anne Moore

- Cited issues that were happening at the Meadows related to a culvert that became a Town project.
- Stated that there had to be a general attitude shift that every block mattered.
- They should not rip up natural beauty for progress.
- Referred to hiring a new Town Manager, and said the Council needed to pick someone who would start projects and finish them correctly.

Shelley Popke – 622 Teocalli

- Referring to the Meadows, she stated the project affected the whole block between 6th and 7th Streets.
- She thanked the Council and Staff for meeting with Meadows' property management.
- The HOA clearly specified the issues which included: 1) pooling of water in walkways leading up to the buildings; 2) the grade of the ground tilted downward to the building causing water to drain into crawl spaces; 3) and landscaping aesthetics issues.

Crank said he met with Popke and Property Manager, Rob. They were planning on meeting again to see if they could work out the problems. Popke specified she didn't have expertise in engineering or landscaping. Crank said the HOA should decide whom would best communicate.

Gabi Prochaska

- She said as they set out, there was the tendency to say that plastic bags were bad, so paper bags were used.
- Stated that any single use bag had an incredible environmental impact.
- To make a change, reusable bags had to be used.

STAFF UPDATES

Lynelle Stanford

- The deadline for proposals for the Town Manager search would be this upcoming Friday.
- Mentioned special events that would be on an upcoming agenda.
- Russ Forrest organized a meeting on special events. Attendees included representatives from the Chambers of Commerce, CBMR, and BLM. Stated that it appeared that the entire valley would be busy with special events this summer.
- The County hosted a demonstration at Town Hall of the new voting equipment last week.

Janna Hansen

- Spring soccer started today.
- They were working hard to prepare parks for the summer.
- They would be power washing Elk Avenue.
- She was hoping the weather allowed for irrigation next week.
- They had a pre-bid meeting for the tennis courts resurfacing. The deadline for submittals would be Friday.
- Michel wondered when the tennis courts resurfacing would be done, and Hansen hoped before the 4th of July.

Rodney Due

- They were working on Old Town Hall to include work on the shingles. They would re-route the busses from the 3rd to the 5th (of May).
- They would start painting Old Town Hall on the 9th, and busses would be re-routed as necessary. He added they might need to close the public bathrooms during that time for safety reasons.
- They would start upstairs in the Clerk's Office for carpeting in Town Hall.
- GCEA wanted to plan a grand opening at the charging station once the lot was paved.

Bob Gillie

- Put out the RFP for architectural services for the 4-Way transit center re-do. Staff felt confident on whose proposal they would recommend to Council. He thought they would probably start meeting in June for the design. The contract for services would be on the agenda for May 16th.
- They were looking to have a formal submittal from the Center for the Arts in June.

Michael Yerman

- The turn out for the housing training class was good.
- May 9th would be the application deadline for lots in Blocks 79 and 80.
- Mentioned there would be a horse installed in the Academy Lot, which was privately owned. The horse was donated to the Center, and by the time the Center would be completed, he hoped to have a public arts policy in place.

Janna Hansen

- Told the Council to expect to see construction at the tennis courts for the retaining wall starting this week or next.

Bill Crank

- Had been working through issues with the County. One issue would be discussed under New Business, and the other was related to Foxtrot pertaining to the 201 and IGA.

- Was working with department heads, and there had been some urgent types of meetings.
- Rozman would be back tomorrow, and they would start reviewing proposals.

NEW BUSINESS

1) Discussion on Plastic Bag Ban – Follow up from Public Comment

Merck and Vohman concurred they wanted to direct Staff to work on an ordinance on a bag ban. Michel asked what they were directing Staff to look into. Vohman stated they would work on an acceptable ordinance to pitch to the Town. Merck referenced a letter Swift provided to the Council, and he pointed out that it focused on the single use bag. Belkin thought that sister municipalities could have something that made sense. Mason asked if they wanted to consider (banning) single use bags or just plastic bags. Swift said it was a broad spectrum what other towns had. Ladoulis asked if he wanted to see an ordinance that was reaching across and was not just a plastic bag ban, which Swift confirmed. Schmidt did not want another work session; he wanted to trust the committee to give them a proposal. They could make amendments. Michel confirmed they directed Staff to start the bag ordinance process.

2) Follow up from Interim Town Manager, Bill Crank, on Contract with Coal Creek Watershed Coalition (CCWC).

Crank reminded the Council, at the April 18th meeting, that they authorized payment to CCWC for studies on the standards in Coal Creek. Since that time, in dealing with the County, they were not agreeable to entering into a contract with CCWC. Crank wanted to confirm with the Council that they authorized covering the entire \$13,500, and if they couldn't work it out with the County, the Council would go in without the County to finish the studies. If not, the Council would have to put up a motion or give further direction. Mason asked if the County would go out and independently get another consultant. Crank could not answer. Michel clarified that the County would pay half, but it depended on the contractor. Crank said (they would contribute) if they agreed to the entity that was receiving the money. Michel confirmed it depended on to whom the check was made out. Crank summarized and said they would proceed based on the award at the meeting on April 18th.

3) Discussion and Appointment of Short-Term Rental Committee Members.

Gillie began by explaining that a month ago the Council decided to form a committee to make recommendations to the Council on how to regulate short-term rentals in Town. They advertised for committee members. Two property managers and ten citizens applied.

First, the question was how many citizens at large to appoint to the committee. They could change from the original idea of two citizens to three. Gillie then explained the system that would be used for voting. Michel thought it would be appropriate to appoint

three citizens. Vohman suggested they reduce the property managers to one, and then increase the citizens to three. Mitchell noticed that not every applicant lived in Town, and she wondered if they needed to have an address in Town. Michel said they could discuss once they decided upon the number. Gillie didn't think that having three citizen appointees would hurt the process. The Council agreed to appoint three committee members.

Michel reviewed the process for voting, and the Council used ballots to cast their votes.

Ladoulis moved and Merck seconded a motion to appoint Ryan, Hassebroek, Ellis, Escalante, and Fenlon to the Short Term Rental Committee. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 3, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 13, Article 1 of the Crested Butte Municipal Code to Include Regulations for the Installation of Backflow Prevention Assemblies on Water Supply Systems.

Due explained the ordinance was a housekeeping measure. Colorado Primary Drinking Water Regulations established legal authority and a compliance approach. The ordinance gave authority if Town had to do surveys. It was relevant to multi-family uses under a single tap, and a single tap home with an ADU. Due had to show the State that Town was moving forward.

Per Ladoulis's request, Due gave a layperson's description of backflow and what they were mitigating with the ordinance. Due explained it was to protect the integrity of water in the distribution system; water could only go one way and couldn't go back the other way.

Schmidt questioned how much a valve would cost. Due said it was not hugely expensive, but the expense came in annual maintenance and inspections. Schmidt asked how soon people would have to install. Due answered the State said 120 days, but Town would be more stringent. He expected they would give people a 30-day notice.

Mitchell moved and Merck seconded a motion to set Ordinance No. 3, Series 2016 for public hearing at the May 16th, 2016 Council meeting. **Motion passed.**

5) Discussion and Possible Approval of 4th of July Special Event Application for the Parade Closing Elk Avenue in its Entirety and Festivities on Elk Avenue at 3rd Street from Maroon Avenue to Sopris Avenue on July 4, 2016.

Eliza Cress was present on behalf of the Chamber. She mentioned she was officially taking over for Ochs as the Executive Director at the end of the month. Michel explained the event was going to be on the Consent Agenda, but the Council should discuss an event that was bringing 15,000 people to Town.

Vohman noticed the section of the application referring to a recycling plan, and she asked Cress to explain details. Cress said they would dispose of waste properly, and they would provide the amenities to do so. Ladoulis questioned the Staff recommendation disallowing four-wheel drive vehicles to climb over each other. A short discussion ensued about the reason why it was included in the recommendation.

Next, Michel questioned the estimation of 15,000 people. Cress explained the Chamber used drone footage last year to figure the number of people in one block. Then, they multiplied it by the number of blocks. She added that they were not promoting the 4th of July. Michel asked if the event was reaching the maximum number of people. Cress agreed there was no need to cram more people onto Elk. Crank identified that there was a carrying capacity in the valley for campers, and he thought they should start considering the carrying capacity of Elk Avenue. Michel said as Town became more popular and grew, they had to have hard conversations about how many people were coming to Town over critical days, particularly concerning emergency services and wastewater. Crank said they could limit the number of vehicles coming into Town. He reminded the Council of land at the Skyland turn-off.

Schmidt wondered about the limitation of not allowing items to be thrown from floats. Cress said they had an agreement signed with float organizers that they needed to have two people on either side of the float handing out items. The Chamber could revoke their ability to participate if they were in violation.

Ladoulis asked Cress to encourage people to park in the school parking lot. He suggested they make prominent parking signs, or institute a program to get people to park at the school. Lastly, Michel asked if the location of the porta potties near the Fire Station worked. Cress said they used signs to direct people, and the location worked well.

Schmidt moved and Ladoulis seconded a motion to approve the 4th of July special event application for the parade closing Elk Avenue in its entirety and festivities on Elk Avenue at 3rd Street from Maroon Avenue to Sopris Avenue on July 2, 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Resolution No. 10, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Consulting Services Agreement with JVA, Incorporated for the Performance of the Avalanche Park Campground Civil and Transportation Engineering Due Diligence Study.

Schmidt acknowledged they budgeted \$15K. He didn't like how consultants looked at the budget and that's how they bid. He asked if it was sent to other people, and Yerman said it was not. Yerman arrived at the price by working with JVA on the scope of work. The access issue was a big one, and they would be able to provide real numbers. He said Town would have a representative to go to CDOT to defend it. Schmidt confirmed they were also doing estimates on utilities. Yerman said the only things not included were construction documents for new access. Schmidt asked if they were getting a plan. Yerman said it would be a conceptual plan. It would not be engineered, but CDOT

would look at it and approve the permit. Schmidt said they had not talked about whether it would be temporary camping or a summer worker site. Yerman would run the numbers for both. He said it was a couple year process.

Schmidt moved and Mason seconded a motion to approve Resolution No. 10, Series 2016. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Belkin had been working with County attorney, David Baumgarten, and Barbara Green on Mt. Emmons. Coal Creek Watershed Coalition had also been involved. They had been going back and forth with Freeport for escrow on the wastewater treatment plant.

Also, they had been working on a map of real estate interests in the Emmons Basin. They had gone through property interests, and they were quite complex. They had also been able to determine some of the claims by meeting with the Bureau of Land Management and the Forest Service to go over maps. They would refine maps further and send off to Freeport. They would start to see more traction and information to report with the MOU. Freeport hadn't done a whole lot yet. They were waiting for the snow to melt. Once they could get on the mountain, they could see what was up there.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Laura Mitchell

- Had been contacted by the Chamber based on comments she had made. She said Ladoulis was contacted, too.

Roland Mason

- There would be a RTA meeting on Friday.
- He had a Mountain Express meeting. Michel questioned the funding for the Gothic bus. Mountain Express received a letter from Rocky Mountain Biological Laboratory (RMBL) indicating they would not help to fund the service. It was now considered a part of the existing service. The service was set up to bring kids to Gothic for summer camp. They tabled the discussion at the meeting because only three people were in attendance. Mason said he would come to Town to discuss how they felt about running service to RMBL. Michel stated the County did road improvements on Gothic Road in order to have better bus access. He thought it would send a poor signal to take away service. Mason had to check for Michel to determine if RMBL would still fund the kids' bus.

Erika Vohman

- Attended a noxious weed meeting that was run by Hansen. She thought Hansen was doing a great job. She thought they would probably spray rights of way for weeds. They would also work on Big Mine, the cemetery, and all of the alleys. Along with the committee, Hansen was working to draft a document for the Council to approve.

Glenn Michel

- Would be attending a One Valley Prosperity Project (OVPP) meeting on Wednesday. They would unveil the action plan.
- OVPP requested to speak in front of the Council.
- He would attend a RTA meeting on Friday.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Michel asked the Council if the Meadows situation was adequately discussed. Mitchell thought they could offer trees or bushes. She said it used to look nice. Crank recalled the Town did the same thing on Whiterock with the Halazon Ditch. It, too, was an irrigation ditch and not a drainage ditch. It was basically an irrigation system, and putting in a pipe was more efficient than leaving it open. He thought they ought to try to make realistic concessions without completely re-vegetating or re-landscaping the whole thing. There were also problems inherent with the site itself. He thought it was silly to ignore complaints, and they would see what they could come up with even though it was on private property. Michel asked Crank to report back to the Council.

Schmidt told everyone to vote tomorrow in the Gunnison Met Rec District election.

Schmidt referred to a letter in the packet concerning Vinotok. Michel explained the letter said the Vinotok Council would be meeting May 16. The discussion on the location of Vinotok would be the first meeting in June.

Schmidt stated the Chamber was supposed to provide an update on financials. He would like the report before Ochs left. Michel said he told Ochs he could introduce Cress, but he agreed they needed to hear how the Chamber was faring.

Michel mentioned the upcoming Town Clean-Up Day. He encouraged the Council to attend.

Vohman suggested they get legislation drafted to keep condos from being converted into big homes. Belkin remembered the question came up during the discussion of the Eleven property. Ladoulis said the discussion was around depleting the supply of potential rentals and/or housing. Belkin explained the Council could regulate land use based on impact but not ownership pattern. He suggested that he meet with Crank and Gillie. Mason said they should throw in two story basements. Michel asked what the direction was to Staff. Schmidt agreed they should have Gillie look into it. Michel summarized the concern was if a person wanted to buy a four-plex and turn it into a private residence. Belkin reiterated they should get an idea from Gillie, possibly before the next meeting. Michel said they needed to find out if it was worthwhile to pursue.

Vohman thought the holiday party was fun, but there could be better parties with more money. She said they could reap money from vending machines. She thought it was a serious proposal to make money. Crank said he would investigate.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, May 16, 2016 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, June 6, 2016 – 6:00PM Work Session – 7:00PM Regular Council
- Monday, June 20, 2016 – 6:00PM Work Session – 7:00PM Regular Council

Schmidt mentioned he would be gone for the next meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 8:48PM.



Glenn Michel, Mayor



Lynelle Stanford, Town Clerk (SEAL)

