

MINUTES
Town of Crested Butte
Special Town Council Meeting
Monday, January 8, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:07PM.

Council Members Present: Will Dujardin, Kent Cowherd, Chris Haver, Jackson Petito, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, Public Works Director Rodney Due, and Community Development Director Michael Yerman

Finance Director Rob Zillioux, Town Clerk Lynelle Stanford, Chief Marshal Mike Reily, and Parks and Recreation Director Janna Hansen (for part of the meeting)

Scott Miller, counsel to the Town on water issues, was present for Executive Session.

ADMINISTRATION OF THE OATH OF OFFICE TO MAYOR JIM SCHMIDT

Stanford administered the oath of office to Schmidt. Schmidt addressed the Council and provided encouragement to Council members.

APPROVAL OF AGENDA

Stanford stated that item #1 from New Business needed to be removed from the agenda.

Merck moved and Dujardin seconded a motion to approve the agenda with the change of moving item #1. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) **December 18, 2017 Regular Town Council Meeting Minutes.**
- 2) **Resolution No. 1, Series 2018 - A Resolution of the Crested Butte Town Council Designating the Town of Crested Butte's Three Official Public Places for Posting Town Council Meetings and Other Important Items.**
- 3) **Approval of a 40' Revocable License on the Eastern Portion of Lot 7 of the McCormick Ranch for Nordic Skiing.**
- 4) **Certification of Town's Official Zoning Map.**
- 5) **Certification of the Town's Official Watershed Map.**

Schmidt informed the Council there was a change to the exhibit related to item #3, and it was a revocable license, rather than a revocable easement.

Dujardin moved and Haver seconded a motion to approve the Consent Agenda as changed. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Sue Navy - 324 Gothic

- She was an election judge, and she thanked Stanford and Betty Warren.

Leslie Perrot - 1 7th St, Unit A

- She asked the Council to consider the renewal of her short-term rental license.
- She personally appealed the decision of the Town not to renew.
- She listed and explained the reasons she felt she should be able to renew her vacation rental license.
- She acknowledged she was late in re-applying to short-term rent her property.
- Schmidt asked MacDonald for a memo on the appeal process for short-term rental licenses.

Kimbire Woods - 229 Elk Avenue

- She was advocating for Perrot, and she reviewed the organizations for which Perrot had supported.

Penni Ervin

- She asked the Council to reconsider for Perrot, so she could do what she was doing previously.

Dave McGuire - 70 Alpine Court

- Stated that he was Perrot's property manager.
- He agreed with those who had spoken on Perrot's behalf.

Robert McCarter - 1251 Skyland Drive

- Brush Creek was a done deal at the County level.
- His concern was compatibility.
- He guaranteed a red light at the intersection, and it would speed up the roundabout near the school.
- It would create problems.
- He asked the Council to protect the north end of the valley.

STAFF UPDATES

Lynelle Stanford

- Received a special event application for the Fat Bike World Championships. The event would be at Town Ranch on January 27th. The application would be approved administratively.
- Staff would be meeting with the organizers of the Alley Loop. The application for the event would be on the next agenda.
- The public hearing for the transfer of the Talk of the Town liquor license would take place at the next meeting.
- Work would resume on the master records project.

Mike Reily

- Mentioned the threat that occurred at the school. They were meeting with people from the school to ensure better information was communicated. He praised fellow law enforcement officers, including those from other agencies. Reily explained details on the communication that occurred, responding to Schmidt's question, and he responded to Merck's questions on communication.
- There would be a Women's March on the 21st.

Rodney Due

- Plowing clean up would take place tonight.
- They would either pull banks later in the week, or they might be plowing again.
- Meeting with the DOLA regional director tomorrow.
- Been working with CDPHE to get pre-loan qualification for construction of the wastewater treatment project.

Janna Hansen

- Big Mine warming house expansion was going in front of BOZAR in January.
- The next step in the playground renovation project would be going out to bid.
- Listed programs starting this week.
- She credited Pete Curvin's work at the rink for having the ice up and running.

Michael Yerman

- Reviewed details from Eric Treadwell's staff report with an update on the vacation rental licensing program.
- He had been conducting interviews for duplex builds.
- BOZAR was awarding the project of the year on January 18th. There was a group photo and school build tour on Thursday the 11th.
- The Cypress annexation would be back on the January 22nd meeting.

Rob Zillioux

- He told the Council he was glad to be here
- He mentioned he had worked with Rozman the past few weeks.
- He credited Rozman for keeping the Town fiscally sound.

Dara MacDonald

- Closed on acquisition of Heights Open Space. They would look at changing restrictive language on the plat.
- Had a conversation with the Sheriff concerning the County renting the Old Rock Jail to use for the Sheriff's office.
- Sent out email communicating GCEA's thanks for the Council's leadership in entering into the green power program.
- Under Other Business, she asked the Council to discuss the scheduling of the retreat, Council meeting start times, and how to time Executive Sessions in the meeting agendas.

NEW BUSINESS

1) Approval of a Parking agreement Between the Town of Crested Butte and Oh Be Joyful Church for the use of Private Property for Public Parking in Block 54 Lots 1-3 for the Consideration of Waiver of Payment in Lieu Parking Fees.

Removed from the agenda.

2) Ordinance No. 1, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of Various Town Residential Properties (Unit 1, Town Ranch Apartments, 808 9th Street And 906 Butte Ave. Crested Butte, Colorado) to Various Town Employees.

Schmidt read the title of the ordinance. MacDonald explained there was a lottery for any Town unit, and there was shuffling between units that had occurred. She reminded the Council that long-term leases had to be approved by ordinance.

Mitchell moved and Petito seconded a motion to set Ordinance No. 1, Series 2018 to public hearing on January 22nd. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

3) Council Member Appointments to Boards and Committees.

Schmidt referred to the list that was in the packet. Mitchell recognized that traditionally the Mayor attended RTA. Schmidt identified his conflict of interest. Mitchell said that Haver volunteered for the Chamber Board. Petito volunteered to serve on Coldharbour Institute. Schmidt brought up appointing representatives to Brush Creek. Cowherd and Haver had been attending the meetings. The Council agreed to appoint them to represent the Town concerning Brush Creek.

Merck moved and Dujardin seconded a motion to approve Council appointments. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

MacDonald told the Council there was mediation on the ADU case, and the Council would be updated during a future Executive Session.

COUNCIL REPORTS AND COMMITTEE UPDATES

Paul Merck

- He would have meetings coming up this week.

Laura Mitchell

- There were three new busses.
- Mountain Express wanted to start storing busses in Mt. Crested Butte.

Jackson Petito

- He would attend the Housing Foundation meeting on the 17th.

Chris Haver

- Attended the last commissioners' meeting on Brush Creek. He brought up changes, including details, they had made from previous plans. Some changes were: increased set back along Brush Creek Road, decreased density along Brush Creek Road, reduced bedroom count, and decreased building count. Then, he reviewed the changes as they related to the letter that the Town intended to send.
- Schmidt questioned if there had been discussion on the concern of traffic sliding from Brush Creek Road into the highway.
- Haver reminded it was a County process, and Town was a review agency. He announced a meeting, in which the public could see visuals, on February 16th at the Lodge at Mountaineer Square.
- MacDonald said Staff would work with Haver and Cowherd to compile comments to provide for the public comment period.

Kent Cowherd

- Attended Creative District meeting. The Creative District had rolling grants proposed on their website, and they had tourism grant information coming forward.

Chris Haver

- The Chamber was running on plus 90 days (fund) reserve.
- Fat Bike Worlds might need help with moving the event.
- Crafted would be held in the Elevation Hotel.

Jim Schmidt

- Met with CBMR for an update. They were continuing emphasis on mountain biking as a summer activity.
- He would attend a housing meeting tomorrow and CAST next week.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt mentioned the scheduling of both a retreat and a joint meeting with Mt. Crested Butte. MacDonald suggested either February 6th or 7th for the retreat. The Council planned the retreat for February 6th. Next, the Council discussed dates for the joint meeting with Mt. Crested Butte. They decided to propose February 13th around 4PM, 5PM, or 6PM.

MacDonald brought up Council meeting start times and the potential to start earlier. Haver was happy starting at 6PM, but he normally worked until then. Green recommended holding Executive Sessions at the beginning of meetings. MacDonald said the handbook actually stated that Executive Sessions would be after New Business. Green thought they would be more effective if they were held before the matter in which they needed legal advice. She pointed out that Council could ask for an Executive Session at any time. They also discussed the idea of Council relocating from the Chambers for Executive Session. MacDonald said they could do the Executive Session after the public hearings and new business were done. Green elaborated that unless they needed legal advice before the agenda item. Schmidt said they would try it, including the Council leaving the room.

Dujardin mentioned the upcoming Colorado Symposium. Schmidt and Cowherd said they would be attending.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, January 22, 2018 - 6:00PM Work Session - 7:00PM Special Council
- Monday, February 5, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, February 20, 2018 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt reviewed upcoming work sessions.

EXECUTIVE SESSION

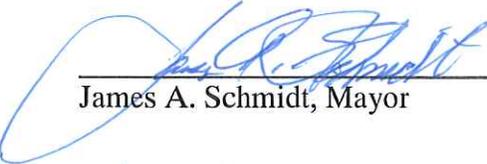
Schmidt read the reason for the Executive Session: for a conference with the Town Attorney and water attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) on water cases with Scott Miller and regarding 2016CV30080, Sopris 715, LLC v. Town of Crested Butte.

Merck moved and Petit seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 8:38PM. The Council returned to open meeting at 9:42PM. Mayor Schmidt made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:44PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

