

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, January 21, 2020
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:12PM.

Council Members Present: Will Dujardin, Chris Haver, Mallika Magner, and Laura Mitchell

Staff Present: Town Attorney John Sullivan, Finance Director acting as the Town Manager Rob Zillioux, and Town Clerk Lynelle Stanford

Public Works Director Shea Earley, Community Development Director Michael Yerman, and Town Planner I Mel Yemma

Schmidt mentioned the preceding work session and absences of Councilors Mona Merrill and Candice Bradley and Town Manager Dara MacDonald.

APPROVAL OF AGENDA

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

CONSENT AGENDA

1) January 6, 2020 Regular Town Council Meeting Minutes.

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

PUBLIC COMMENT

None

STAFF UPDATES

- Schmidt referred to the staff report from MacDonald included in the packet.
- Yerman informed the Council that the one bedroom unit in Phase 2 of Paradise Park, in the section of units bought by businesses, had not sold. No one from the alternate group from Phase 1 wanted the unit. Town had the ability to purchase it, but Yerman wanted to waive Town's interest and advertise to the public. The Council agreed they would seek a local buyer first, then a business.
- Schmidt mentioned the Fossil Ridge land exchange and confirmed it had to do with Long Lake.

- Dujardin asked Yerman about commercial uses for trails, related to insurance, when the organizations using the trails were non-profits. Yemma provided an explanation. Schmidt asked about a situation regarding the use of the Lower Loop. Yemma said they were trying to be consistent and get a hold of the increasing use.

Presentation by Tori Jarvis from Northwest Colorado Council of Governments, Water Quality and Quantity (QQ) Committee.

Torie Jarvis stated she would provide a brief overview, and she introduced herself. She reviewed her background and mentioned that she worked half time for QQ. Their work was broad, and they could focus their time and energy on pressing issues. QQ was a group of local governments and elected officials that made up the Headwaters Region. Jarvis listed members. The focus of the group was sharing knowledge. She acknowledged that Schmidt and Dujardin had attended a QQ retreat, and Dujardin had been representing the Town. The dues that were paid went directly towards policy work.

Jarvis reported on transmountain diversion projects that began in the 1970s and the inception of QQ. The work evolved since then. QQ was proactive in protecting water quality and always looking at State policy that would give municipalities the ability to regulate for environmental protection. Jarvis outlined Ashley Bembenek's role. They were always monitoring the Water Quality/Control Commission. She mentioned the Colorado Conservation Board. Jarvis was the registered lobbyist for QQ. She cited Barbara Green's expertise on issues. She reiterated their policies were purposefully nimble.

Schmidt questioned whether the Trump administration relaxing water quality throughout the country had affected local areas. Jarvis answered that most of it was still held up in litigation. Furthermore, Colorado did not use the Federal definitions. Schmidt then had a question on quantity. Jarvis reported on the Colorado River Compact. Dujardin mentioned the March 12th workshop on water saving and land use code. He asked if anyone wanted to attend the meeting in his place on March 13th.

Presentation Regarding Possibility of Lead in the Water of Some Homes in Town.

Earley reported on a lead action level exceedance that happened in homes in the community. He explained CDPHE regulations on lead and copper. The issue occurred in copper plumbing with lead soldering. He explained how they chose structures, built in the timeframe from 1983 to 1987, to test. Town Staff identified 40 Tier 1 and Tier 2 structures. If a structure qualified, the owner was asked to participate in the sampling program. Town tried to collect the samples, or the property owners could collect samples themselves. To date, Staff was unaware of any lead service lines. 2011 was the last action level exceedance for lead. Earley stated there was a non-detect result from the test on the drinking water. The issue was specific to plumbing inside of houses.

Earley provided an overview of the next steps, and he specified methods of public outreach. Earley mentioned the future of lead and copper regulations. He recommended flushing the water through the pipes and using the Colorado Analytical Laboratories for testing. Schmidt summarized the water was fine. The discussion became focused on using phosphate to treat the water. Earley said there were micro filtration systems that could be installed in homes. Staff would be exploring alternatives.

PUBLIC HEARING

1) Ordinance No. 39, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at 606 Sixth Street to The Center for the Arts.

Sullivan referred to MacDonald's memo in the packet that summarized the most recent changes to the lease that were agreed upon as a result of discussions that were had last week. The term increased from 30 to 50 years, and the renewal terms were ten years each. It would not be a unilateral renewal. They added a paragraph that the Town may review the extent to which The Center addressed the programming concerns of year round residents, and provided a rate structure supportive of community user groups. Sullivan explained the process for a dispute. The remedy was made clearer. The earlier changes about lighting were still in the lease. Haver was happier with this lease compared to the previous lease. Magner said she spoke with Pat Crow, former Executive Director at The Center, about developing the community clause.

Sullivan identified the next issue was the extent to which the Town's representative could participate in The Center Board of Director meetings. The issue was related to Merrill being disallowed from participating in Executive Session, according to The Center's bylaws. There was a provision in the lease that addressed the same issue that tracked the language of The Center's bylaws. Magner thought Executive Sessions could help the Town understand issues that affected the Town. Dujardin recognized full access would help with transparency. Sullivan said the exclusion did not negate Town's access to financial records. Zillioux agreed it would be helpful for the Council to have transparency and a pro forma view. Town had opaque financials from The Center at best. Magner asked how they would know there might be an issue. Having access to Executive Sessions would be a simple way for the Town to have a better understanding of what was happening. It was about transparency and access to information. Haver compared the situation to that of the Chamber. Schmidt certainly wanted Town to be aware of the financials. There was discussion on what ex officio meant. Schmidt recognized Town would need to ask The Center to change their bylaws. Magner wanted an understanding of the financial situation that directly affected Town. Dujardin summarized they wanted the board seat to be a full board seat. He asked if The Center knew about the concern. Schmidt stated the subcommittee would need to meet again to discuss.

Schmidt confirmed proper public notice was given. The public hearing was opened. No one from the public chose to speak. The public hearing was continued with the caveat

the subcommittee would meet with The Center before the next meeting. Schmidt volunteered to serve on the subcommittee if Merrill did not return in time to meet.

Haver moved and Mitchell seconded a motion to continue the public hearing until the February 3rd meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Magner sent her best wishes to The Center.

2) Ordinance No. 44, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing a Potable Water Agreement for Lot 8, Trapper's Crossing at Crested Butte, Gunnison County, Colorado.

Schmidt confirmed proper public notice had been given. He read the title of the ordinance. Earley explained MacDonald and he met with water attorney, Scott Miller, and it was back in the Turnbolls' court. He asked that the public hearing be continued.

Schmidt opened the public hearing. No one from the public spoke.

Dujardin moved and Mitchell seconded a motion to continue Ordinance No. 44, Series 2019 to the February 3rd meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 1, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 815 Gothic Avenue to Mel Yemma.

Schmidt read the title of the ordinance. He confirmed proper public notice was given, and he opened the public hearing. Yemma thanked the Council. She really appreciated working for the Town. The public hearing was closed.

Magner moved and Mitchell seconded a motion approving Ordinance No. 1, Series 2020, approving the lease of 815 Gothic Avenue to Mel Yemma. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 2, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 817 Gothic Avenue to Jackson Morgan.

Schmidt read the title of the ordinance. He confirmed proper public notice had been given. He opened the public hearing. No one commented, and the public hearing was closed.

Mitchell moved and Haver seconded a motion to approve Ordinance No. 2, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 4, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of 902 Red Lady Ave Unit #3 to Andrew Crowley.

Schmidt read the title of the ordinance. He confirmed the Council was setting the ordinance for public hearing.

Haver moved and Mitchell seconded a motion to set Ordinance No. 4, Series 2020 for public hearing at the February 3rd meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

- Sullivan had not heard anything back on the library lease.
- The attorneys planned to attend the retreat on the 25th. Schmidt recognized there would be a facilitator, and they would discuss the retreat further at the next meeting.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- The Gunnison County Climate Conference was really awesome. It was productive and cool to see a pathway to reduce emissions by 50%. He was proud of the community for coming together.
- He requested that someone attend QQ in March in his place. They were good meetings and a great way to keep presence in that network.
- He would leave Friday for Austria.

Chris Haver

- The Executive Director would be leaving the Housing Authority.
 - The partnership for North Village would continue.
 - The Homestead drawings were submitted.
 - They were still doing due diligence on home manufacturers in the Redden trailer park.
 - The Housing Authority was shooting for grant money for down payment assistance in April or May.
 - They were looking into Internet options at Anthracite Place.
 - They were shooting for April or May for the update to the housing plan.
 - The updated needs assessment would come around April.
 - They had the Mt. Crested Butte housing meeting. There were 17 units from CBMR that went with the land plus a 15% requirement on their general build. They were looking at integrating the housing.
 - They needed a solid market study.
 - Anthracite had five vacancies.
 - They would continue to work on the timeline and milestones and recognized it had to be a collaborative effort.
- RTA was putting out another bus grant request.

- They were ahead of airline sales as far as seats over last year.
- They were discussing the location of a transportation center.
- They were going forward with their designs for the airport terminal and were shooting for net zero.
- The conference was cool and well done. He talked trash.
- He had a vaping meeting today. There had been student meetings. The biggest concerns were stress and depression and having tools in place for both the parents and kids. The idea was the first two sessions with a counselor would be free.

Mallika Magner

- The Chamber had received 70 applications for the Executive Director position.
 - The Crafted Festival and Mardi Gras were coming up.
 - The Chamber had a great turn out for the Christmas tree event.
 - They had 300 members and new members coming on all of the time.
- The Valley Housing Fund was looking to identify further projects.
 - They were at the table for the North Village project and were looking forward to the closing of the Long Lake exchange.

Laura Mitchell

- Attended the Climate Action Conference.
- She had been working with Mountain Express and RTA on the new shops. They had a work session and looked at plans.
- At the Mountain Express meeting, they did not address participating in the Redden property project.
 - Ridership was down 9% and January was down 5%.
- She went to the RTA meeting in Gunnison.
- The Scenic Byways meeting was cancelled.

Jim Schmidt

- He was at both the Climate Action Conference and the kick-off. He was struck by Lake Powell's level going down because of temperature with the same amount of precipitation.
- Internet Colorado wanted to put a dish on top of Anthracite Place.
- The Mt. Crested Butte housing meeting was great. Everyone talked to the Colorado housing people. They would limit funding to \$15K a door for a project, and it would be the last money in.
- He went to the Mayor/Managers meeting on the 9th.
 - There was a presentation by the Upper Gunnison. They were concerned about water levels dropping in the big reservoirs.
 - The County had been getting a lot of calls about wolves.
- He had lunch with Tim Baker from CBMR, who felt that the numbers over Christmas followed a different pattern than expected and peaked on New Year's Eve.
- The Council met as the Planning Commission last week.

- Attended the Earth Matters meeting. They were talking about temperatures and historical lows.
- He would attend CAST in Avon this week.
- He received criticism about the possible empty house tax. He firmly believed it was not the way to go.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

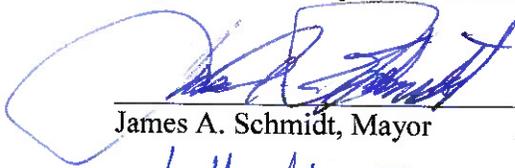
Dujardin looked forward to the next meeting that the Council would discuss the empty house tax. There were more ways to do it. They had to figure out how to plug the housing hole with a consistent funding source.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, February 3, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, February 10, 2020 - 6:00PM Work Session to Discuss Empty House Tax
- *Tuesday*, February 18, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, February 25, 2020 - 9:00AM Council Retreat

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:22PM.



 James A. Schmidt, Mayor



 Lynelle Stanford, Town Clerk (SEAL)

