

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, February 18, 2020
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:18PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, Laura Mitchell, and Mona Merrill

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Finance Director Rob Zillioux

Town Clerk Lynelle Stanford and Public Works Director Shea Earley (for part of the meeting)

Schmidt mentioned the topics of the preceding work session.

APPROVAL OF AGENDA

Magner requested to switch the order of the two last Executive Sessions.

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

CONSENT AGENDA

- 1) **February 3, 2020 Regular Town Council Meeting Minutes.**
- 2) **2019 Year End Financial Summary.**
- 3) **Resolution No. 3, Series 2020 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Elk Avenue Partners LLC to Encroach Into the Right-of-Way Adjacent to Elk Avenue and Lots 1-4, Block 27, Town of Crested Butte.**
- 4) **Resolution No. 4, Series 2020 - A Resolution of the Crested Butte Town Council Authorizing a Revocable License Agreement Between the Town of Crested Butte and Bailey's Crested Butte Properties, LLC and the McCormick Ranch Association, Inc for the Realignment of a Nordic Trail Across Lot 5, McCormick Ranch.**
- 5) **Public Art Commission Member Appointments.**

Dujardin abstained from consenting to the minutes since he was absent from the meeting. Schmidt asked Sullivan to opine on abstaining, and he agreed to look into it. Dujardin

removed the minutes from the Consent Agenda. The minutes were moved to New Business in order for Dujardin to abstain from approving them. Later in the meeting, Sullivan confirmed Council members could abstain from voting.

Mitchell moved and Haver seconded a motion to approve the Consent Agenda with moving item #1 to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Kent Cowherd - 901 Teocalli Avenue

- He appreciated the thoughtful and pertinent questions posed to the Colorado Division of Housing during the work session.
- He acknowledged the letters in the paper regarding the Batchelor tree situation in the cemetery. He suggested the Town clear the air. The truth was that Batchelor signed the document stating that trees were prohibited and planted trees regardless. The community needed to hear directly from the Town. He hoped the Council would write a clear and brief letter to the community.

STAFF UPDATES

- Schmidt referred to the staff report from MacDonald.
- MacDonald mentioned the Kebler Trailhead Citizen Advisory Group. She asked the Council if they wanted to participate and whom they should appoint. Dujardin trusted Staff to represent. MacDonald said that Joey Carpenter would be interested. The Council agreed that Carpenter should serve on the advisory group.
- MacDonald reminded the Council of the retreat. She asked for feedback and goals the Council would want to discuss. Schmidt conveyed that a Council member would feel inhibited with the attorneys present. Sullivan confirmed the attorneys would arrive at 1PM.
- Schmidt pointed out the closure of Gothic Road mentioned in the staff report. MacDonald clarified the closure would be just for the run on the 4th of July. She recognized the Marshals would not be able to help with the closure.
- MacDonald asked to confirm quorums for the April meetings. It was questionable whether there would be a quorum for the April 20th meeting. Staff would track attendance as the date came closer. Schmidt, Haver, and Merrill confirmed they would be absent.
- Mountain Express would not be providing service directly to The Center for special events. A group would be meeting next week to talk through issues identified by Chris Larsen. Transit was an important component of The Center, included in the BOZAR approval, and it was planned for large events.
- Earley informed the Council of in-kind contributions from his crews for the Alley Loop.
- Mitchell recalled the building (The Center) was not built to spec for busses to turn.

- Magner asked whether MacDonald had spoken to The Center about the lighting issues. MacDonald explained the logistics related to an app that controlled the lighting.
- Schmidt questioned the report from the Marshal's Office pertaining to alcohol offenses. He commented the basic black uniform color was intimidating to some people.

Presentation by Ashley Bembenek from the Coal Creek Watershed Coalition.

Bembenek introduced herself and stated that she was at the meeting to speak about the Slate River Integrated Monitoring Project. The emphasis was on E coli. She explained what E coli was. Bembenek reviewed E coli regulations. She would focus on surface water regulations, and she outlined E coli standards for surface water. Bembenek summarized the 2019 E coli study plan. She described locations in which they collected samples. Bembenek reported on what was discovered in the Washington Gulch Watershed, the Upper Slate River Watershed (above Crested Butte), the Coal Creek Watershed, and the Slate River near Crested Butte. Bembenek reviewed ongoing studies and outreach. She referred to the draft letter of support that was included in the packet. Bembenek thanked volunteers and partners. She affirmed that both Mt. Crested Butte and Crested Butte's wastewater treatment facilities ran UV systems 24/7. Bembenek reiterated the problem was caused by non-point sources. Dujardin asked how landslides affected E coli and Bembenek explained. Schmidt questioned solutions. Bembenek acknowledged they would be at it for a while, but they hoped to move the needle. Schmidt wondered whether the porta potties helped. Magner recused herself from voting for the letter; however, details of the letter were not discussed. The Council did not direct any changes be made before Mayor Schmidt signed the letter of support included in the packet.

NEW BUSINESS

1) February 3, 2020 Regular Town Council Meeting Minutes.

Haver moved and Bradley seconded a motion to approve the minutes from the previous regular meeting. A roll call vote was taken with all voting, "Yes," except Dujardin, who abstained from voting. **Motion passed unanimously.**

2) Discussion on Creation of Engineer/Project Manager Staff Position.

Earley updated that Staff had considered adding a full time position for an Engineer/Project Manager. He reviewed duties, including serving as the Assistant Public Works Director. Earley outlined the cost analysis, including the cost paid for engineering services the past two years. Magner thought the developer bore the cost for engineering. Earley cited issues with getting engineers when they were really needed. Earley elaborated upon the position's roles and what would be absorbed. Schmidt confirmed Town would save money by hiring this person. Schmidt asked if the person would do surveying. Earley listed upcoming projects, responding to a question from Magner. The

position would create redundancy in his department and more robust customer service. Mitchell thought it made sense and Bradley agreed. Magner had concerns about expanding the size of Town Staff. She had been reading about a contraction in the economy coming soon. She wanted Town to stay on a conservative fiscal path and leaner in terms of staff. MacDonald stated it would degrade the quality of work, if this position would not be filled. Schmidt liked the idea of keeping the money local, and it seemed it would be at least a push concerning how much money they were spending. Dujardin questioned funding sources for the position. Mitchell wanted to keep money in Town. Bradley and Dujardin were supportive of hiring. Haver agreed and affirmed his support. Merrill was shocked Town did not employ an engineer. MacDonald explained how the salary range was identified. Schmidt summarized the majority of the Council supported hiring for the position.

Mitchell moved and Bradley seconded a motion recommending the Council to instruct Staff to pursue acquisition of a Project Manager. A roll call vote was taken with all voting, "Yes," except Magner voted, "No." **Motion passed.**

3) Update on Town's Water Court Cases 16CW3085 and 16CW3086 with Town Water Attorney Scott Miller.

Scott Miller introduced himself and identified the name of his law firm, Waterlaw: Patrick, Miller, Noto. He stated they were based out of Basalt and Aspen.

Miller reported on a change case they were dealing with on the McCormick Ditch. The McCormick Ditch was the number one most senior water right on Coal Creek. It was done through the Cypress Development, which was the main reason the Town picked it up. The Town filed a change case in order to preserve and protect the interest. He identified objectors to the changes.

Town agreed not to irrigate McCormick Ranch anymore, but Town was not really irrigating anyway. MacDonald described irrigation infrastructure planned in McCormick Ranch by Sheep Mountain. The discussion became focused on Lake Irwin. Miller said they were working on piecing together easements that would be discussed during Executive Session. Miller provided background related to the water right as back up from the Slate River.

EXECUTIVE SESSION

Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding Potable Water Agreement for Lot 8, Trapper's Crossing.

Haver moved and Bradley 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 8:49PM. The Council returned to open meeting at 9:14PM. Mayor Schmidt made the required announcement upon returning to open meeting.

PUBLIC HEARING

1) 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 Miller felt there would be a substantial re-write to the ordinance. Sullivan would come forward with a new ordinance. The Council did not take any action.

LEGAL MATTERS

- Sullivan referred to dialogue on the CML website regarding a marijuana hospitality business model. A person in the community brought it up to Bradley. Sullivan informed the Council that there was no need to adopt an ordinance banning a new category of hospitality licenses.
- There was a group that announced they would add legal firepower to pushing on CORA requests.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He went to the OVLC Climate Subcommittee meeting. The subcommittee would present at the next OVLC meeting on how the conference went.
- He appreciated the intergovernmental dinner.

Chris Haver

- They had a Housing Authority meeting on the 12th.
 - They were continuing to set up the down payment assistance program.
 - An opportunity menu was being developed.
 - They would have a board retreat with the Housing Fund coming up in March.

Laura Mitchell

- There were discussions going on between Mountain Express and RTA regarding the new buildings.

Jim Schmidt

- The housing retreat would be on the 13th of March.
- He went to Mayors/Managers last Monday. MacDonald included a report on the meeting in the packet.

- He attended the meeting in Mt. Crested Butte, which was the first open house on the North Village. They were asking for input from people. They did not really discuss the number of units.
- He had a cemetery meeting. The Cemetery Committee wanted to present to the Council in a work session in June or July. There were projects that needed to be done every year. The committee felt more money should be budgeted.
- He mentioned the intergovernmental dinner. The Council briefly discussed the dispatch system and agreements.

Will Dujardin

- He went to the BOZAR guidelines review. They made changes to allow for more solar panels, but it did not seem like enough. Magner supported as many solar options as possible. MacDonald stated the guidelines would come before Council for their approval. Haver thought it was worth seeing what was proposed.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt brought up Cowherd's recommendation during Public Comment to write a letter about the cemetery. Schmidt asked if the Council deemed it appropriate to publish a letter of explanation, in addition to what was reported in the paper. Mitchell said the Council followed the guidelines. She suggested they leave the situation as is. Schmidt agreed with Mitchell.

Schmidt reiterated that he wanted to require all new buildings to have conduit installed to easily take care of an electric vehicle in the future. Mitchell recalled discussion on the costs for sprinkler systems as related to affordable housing.

Dujardin referred to forwarded communication from a constituent regarding a notice to quit in Anthracite Place. He thought they needed a conversation on the optics and what else could be done to remedy. He did not think the right thing was happening. Mitchell confirmed the Housing Authority had oversight. She recognized it was not the first time. She agreed the optics were poor. Bradley was concerned how restrictions worked in the community and how they fit. Magner wondered if the Housing Authority could get direction from the Council to give a little more leeway. Haver pointed out that only part of the story was out there. He said they could take it back to the board. Haver identified there was a delicate balance. Schmidt recalled an appeal that had happened. Mitchell said they needed to keep talking about it. Magner wanted to ask the Housing Authority to be gentler with their people. Dujardin saw there was a pattern developing that had to stop. Magner said it was more than optics; it was about how they treated people. Schmidt and Haver would take the Council's feedback to the board.

Dujardin was in favor of supporting all options to raise money for affordable housing. Actions taken at the last meeting were deflative and would not lead to substantial solutions. He felt it was easy to make the move when he was gone. Bradley clarified why the action was made. Both Merrill and Magner elaborated.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- *Tuesday*, February 25, 2020 - 9:00AM to 5PM Council Retreat at The Center
- Monday, March 2, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, March 9, 2020 - 6:00PM Work Session to Discuss Funding Mechanisms for Affordable Housing and Climate Action
- Monday, March 16, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 6, 2020 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt mentioned the retreat coming up next Tuesday, the next Council meeting, and the upcoming work session.

Magner asked MacDonald if she had information on what the Council wanted to discuss on March 9th.

EXECUTIVE SESSION

Schmidt read the reason for Executive Session: for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(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.

Bradley moved and Haver seconded a motion to not go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Schmidt read the reason for Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the Redden affordable housing project funding agreement.

Mitchell moved and Dujardin seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes," except Magner, who abstained from voting. **Motion passed unanimously.**

Magner recused herself from Executive Session, and she left the meeting. The Council went into Executive Session at 10:06PM. The Council returned to open meeting at 10:52PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:53PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

