

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, April 6, 2020
Council Chambers, Crested Butte Town Hall

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

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

A roll call was taken at the beginning of the meeting, and all of the Council members affirmed their presence. Everyone connected and participated in the meeting via Zoom.

Staff Present: Town Manager Dara MacDonald, Finance Director Rob Zillioux, and Community Development Director Michael Yerman

Town Clerk Lynelle Stanford, Public Works Director Shea Earley, and Parks and Recreation Director Janna Hansen (for part of the meeting)

A roll call was taken at the beginning of the meeting, and the Staff members listed above affirmed their presence. They were connected and participated in the meeting via Zoom, with the exception of MacDonald and Stanford, who were present in Council Chambers.

Schmidt mentioned the preceding work session on the COVID-19 recovery plan. MacDonald read the list of people in attendance on Zoom.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) March 13, 2020 Emergency Town Council Meeting Minutes.**
- 2) March 15, 2020 Emergency Town Council Meeting Minutes.**
- 3) March 16, 2020 Regular Town Council Meeting Minutes.**
- 4) Resolution No. 9, Series 2020 - A Resolution of the Crested Butte Town Council Accepting Construction of the Water Treatment Plant Improvements Performed by Moltz Construction Inc.**
- 5) Resolution No. 10, Series 2020 - A Resolution of the Crested Butte Town Council Accepting Utility, Storm Water, Electric and Irrigation Infrastructure Easements**

Associated with the Phase 2 Kapushion Tracts Located in Block 2, Lots 17-32 and Block 11, Lots 1-16, Town of Crested Butte.

6) Restaurant/Bar Seating on Public Sidewalks for: Brick Oven LTD DBA Brick Oven Pizzeria Located at 223 Elk Avenue; Vertigo Ventures LLC DBA The Secret Stash Located at 303 Elk Avenue; Teocalli Tamale Company DBA Teocalli Tamale Located at 311½ Elk Avenue; Public House LLC DBA Public House Located at 202 Elk Avenue; and Ladybug LTD DBA Talk of the Town Located at 230 Elk Avenue.

Schmidt was aware there had been a request to remove item #6 from the Consent Agenda, and it was put under the end of New Business. Item #5 from the Consent Agenda was also added to New Business. Kent Cowherd thought it was obvious seating on the sidewalks this summer was not a good idea.

Haver moved and Magner seconded a motion to approve the Consent Agenda with putting items 5 and 6 on to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Kent Cowherd

- He was happy BOZAR would be restarting their process.
- He wanted a letter going out consistently from the Town.
- He did not think outside seating was a good idea.
- Town should reconsider the number of parking spots allowed in parking lots.
- He encouraged Council to start reading the Crested Butte Area Plan.
- He recommended the Town pursue the InDEED program.

Tyler Lucas

- He typed a comment into chat, on behalf of KBUT, and requested an extension on the community grant applications that were due last week. The Council would discuss later in the meeting.

STAFF UPDATES

- Schmidt referred to the Manager's Report.
- MacDonald announced that Region 10 was awarded the grant for broadband funding from DOLA. The Town was not committed for match funding.
- Bradley brought up a concern with snow storage behind Kochevars.
- Schmidt pointed out February sales tax was down 15.6% versus 2019. Schmidt asked Zillioux if there were postponements of significant payers. Zillioux expected February would be 5% down to even, once restaurants and bars reported.
- Haver thanked Town Staff and acknowledged those who were volunteering. He was grateful to everyone for stepping up.

OLD BUSINESS

1) Updated Financial Forecast and Discussion.

Zillioux informed the Council that Town was fiscally healthy. However, he was projecting revenue loss. Staff provided a list of ways to reduce expenses. Dramatic changes would have to be made if the recession persists into 2021. Staff was seeking direction on an additional \$618,500 in expense actions. Zillioux mentioned the KBUT grant request that came after the deadline.

Zillioux summarized three different scenarios. He drew the Council's attention to additional expense management steps recommended by Staff, and he reviewed details. Schmidt questioned the reduction in funding to Mountain Express as it related to the IGA. Zillioux recognized Parks and Rec would not hire seasonal workers for the time being. Schmidt asked about the reductions to streets and if Town could transfer funds from the Streets Fund to the General Fund.

Zillioux brought up Community Grants. He confirmed Bradley and Mitchell were on the committee. Zillioux suggested they come back to Council with additional requests, to help those that missed the deadline. He specified requests that could be funded with the cigarette tax. Bradley noted they talked about reaching out to organizations to be sure events were still happening. Dujardin thought the GCSAPP request was a completely separate ask. He wondered why it was included and Zillioux explained. Mitchell was comfortable extending the deadline to find out what KBUT would be requesting. Bradley agreed and so did Haver. The Council agreed it was important to support mental health. Zillioux would like to fund the mental health requests and give more time for community grant applicants. Dujardin recused himself on voting pertaining to CB State of Mind.

Dujardin moved and Bradley seconded a motion to fund GCSAPP and Project Hope. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Haver moved and Magner seconded a motion to approve funding for CB State of Mind using the cigarette tax. A roll call vote was taken with all voting, "Yes," except Dujardin recused himself from voting and did not vote. **Motion passed unanimously.**

Zillioux mentioned the extended due date for the community grants would be the end of this week.

Magner moved and Bradley seconded a motion to approve the recommendations for expense management on the last page of Zillioux's report, except for the last one. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Zillioux clarified the intent of the recommendations, responding to Dujardin's comment on affordable housing.

PUBLIC HEARING

1) Continuation of the Slate River Annexation Public Hearing.

Schmidt read the explanation of the process provided by Green, including that the public hearing would be continued to May 18th. Yerman affirmed Staff recommended continuing to May 18th. He reviewed methods the public could use to provide comments. Tonight would not be the last night to comment. He pointed out they were working through final agreements for Ordinance No. 9. Resolution No. 11 dedicated the property as eligible for annexation. Green stated tonight was the first step; it was the beginning and not the end. The annexation would not be a done deal until the annexation ordinance was approved on second reading.

Green reviewed eligibility criteria and read the findings the Council would need to make. As a matter of law they had been satisfied but Council needed to make the findings before anything could continue. The findings, listed in the resolution and read by Green were:

1. The Town has received a petition for the annexation of the Slate River subdivision, signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the Town;
2. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town's municipal boundaries; and
3. A community of interest exists between the area proposed to be annexed and the Town: the area is urban or will be urbanized in the near future; and the area is integrated with or is capable of being integrated with the Town.
4. The Slate River Annexation complies with C.R.S. § 31-12-105.
5. The Slate River Annexation satisfies the criteria in Sec. 15-1-80.(b) of the Code:
 - A. The final master plan for the use of the lands to be annexed is acceptable.
 - B. The final subdivision plan for the use of the lands to be annexed complies with Chapter 17 of this Code.
 - C. The proposed open spaces have a workable program established for maintenance and upkeep and are coordinated with the Town's open space program where possible.
 - D. The proposed annexation is necessary or desirable and will contribute to the general well-being of the community.
 - E. The proposed annexation will in no way be detrimental to the health, safety or general welfare of the persons residing within the corporate boundaries of the Town or injurious to property or improvements in the vicinity of the lands proposed to be annexed.
 - F. The proposal is in harmony with the intent of Town zoning ordinances and policies adopted by the Town.
 - G. Unless otherwise agreed to by the Town, the extension of services will be financed totally by the applicant.
 - H. Revenue and/or public benefit to be gained from the Town's portion of increased tax base and other revenue on account of the proposed annexation is equal to or greater than the cost to the Town of the services required.
 - I. The advantages to the Town materially outweigh the disadvantages.
 - J. The annexed lands have a logical extension of road systems and of public

- transportation systems, consistent with the Town's Land Use Plan.
- K. The extension of water and sewer lines is feasible in the area.
 - L. The applicant has updated geological hazard, floodplain and other applicable mapping for the Slate River Annexation. The proposed land use has been designed so that geologic or other natural hazards and floodplain constraints have been avoided.
 - M. The proposed annexation is consistent with the Town's Land Use Plan and the Crested Butte Area Plan. The proposed land uses are compatible with the existing land uses in both the Town and County and the potential land uses in terms of their locations, uses, intensities, densities, massing, scale and character.

Legal Counsel and Staff affirmed that the eligibility criteria had been satisfied. Green explained the process for the public hearing. Yerman cited written comments from Jill Indovino. He responded to concerns about the landfill. Schmidt wondered which items were outstanding. Yerman said they were finishing the annexation agreement, the secondary agreement, which was the boater access agreement, and a request for the release of funds on work that had been completed. Cameron Aderhold, from Cypress Equities, expressed appreciation to Town Staff and recognized they came up with something mutually beneficial.

Schmidt asked for public comment.

Kent Cowherd

- He questioned access and parking for the sledding hill and what the future public facilities there would be. Yerman explained uses that were contemplated for the parcel and described the parking that would be available for the sledding hill.

There were no more comments from the public.

Haver moved and Dujardin seconded a motion to continue the public hearing until May 18th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Resolution No. 11, Series 2020 - A Resolution of the Crested Butte Town Council Finding that the Slate River Subdivision is Eligible for Annexation.

Schmidt read the title of the resolution. Green acknowledged the findings were in the resolution itself and had been read into the record.

Haver moved and Dujardin seconded a motion to approve Resolution No. 11, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 8, Series 2020 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 4 to Include Division 12-R1F Residential District.

Schmidt read the title of the ordinance. Yerman stated the zone district was modeled after R-1D. The change from R-1D was a reduced setback.

Haver moved and Dujardin seconded a motion to accept the proposed text amendment to Chapter 16, Article 4, Division 12-R1F Residential District as presented and set the public hearing date on May 18th, 2020 for consideration and adoption of Ordinance No. 8, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 10, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Establishing the Zoning Designations for the Slate River Annexation; and Amending the Town of Crested Butte's Official Zoning District Map for the Purpose of Including the Slate River Annexation.

Yerman reported the ordinance set forth the zoning for the entire parcel. The other parcels would be zoned P or R4. There would be two affordable housing lots. Yerman reviewed usages of the parcels. Green identified the lots the Town would acquire would have restrictions on them, based on the voluntary clean up covenants. There would be other covenants attached to the conveyance. The Council could change the zoning of the Town Parcels as long as the covenants were not changed.

Haver moved and Dujardin seconded a motion to accept the proposed zoning map amendments as presented and set the public hearing date on May 18th, 2020 for consideration and adoption of Ordinance No. 10, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 9, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Annexing Slate River Major Subdivision. – *First reading of the ordinance will be continued to April 20, 2020.*

Yerman updated that the annexation agreement would be ready for the April 20th meeting.

Dujardin moved and Bradley seconded a motion to continue Ordinance No. 9, Series 2020 for first reading on April 20th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 11, Series 2020 - An Ordinance of the Town Council of the Town of Crested Butte Authorizing a Potable Water Service Agreement for Lot 8, Trapper's Crossing at Crested Butte, Gunnison County, Colorado.

Schmidt read the title of the ordinance. He affirmed the ordinance would be set for public hearing at the April 20th meeting.

Dujardin moved and Mitchell seconded a motion to set Ordinance No. 11, Series 2020 for public hearing at the April 20th Council meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Ordinance No. 12, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Unit 1, Red Lady Estates Condominiums, Town of Crested Butte, County of Gunnison, State of Colorado to Brian and Maria Fenerty for the Sale Price of \$20,000.00.

Schmidt confirmed the ordinance would be set for public hearing. He read the title of the ordinance. Yerman recognized this ordinance would be getting another family into home ownership in Red Lady Estates. The disposal of Town property required an ordinance.

Haver moved and Dujardin seconded a motion to set Ordinance No. 12, Series 2020 for public hearing on April 20th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) Council Representatives for COVID-19 Response and Recovery Planning Efforts.

Schmidt referred to the memo from MacDonald in the packet. He reported that Magner volunteered to be involved with committees. MacDonald reviewed the committees on the list, starting with the morning briefing from the Emergency Operations Center (EOC). Haver reported on work done by the Economic Task Force and subcommittees. Schmidt recommended that someone attend the State meetings of the economic subcommittee. No one volunteered. MacDonald offered that someone could attend the Local Government Coordination call. MacDonald said a committee on public lands was not on the list. Magner asked about the EOC briefings. She would join the rotation with Schmidt and Dujardin for the 8:30AM and 2:30PM meetings, with no more than two Council members attending at a time.

8) Resolution No. 10, Series 2020 - A Resolution of the Crested Butte Town Council Accepting Utility, Storm Water, Electric and Irrigation Infrastructure Easements Associated with the Phase 2 Kapushion Tracts Located in Block 2, Lots 17-32 and Block 11, Lots 1-16, Town of Crested Butte. – Pulled from the Consent Agenda

Sullivan called to the Council's attention that the resolution referred to four easements, and there were only three easements included in the packet. Three was the correct number of easements. The resolution should refer to utility, storm water, and electric, and there should not be a reference to an irrigation storm water easement.

Dujardin moved and Haver seconded a motion to approve Resolution No. 10, Series 2020 deleting reference to irrigation infrastructure. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

9) Restaurant/Bar Seating on Public Sidewalks

Schmidt acknowledged that Cowherd asked to pull the item off the Consent Agenda.

Kent Cowherd

- It seemed obvious the sidewalk plans were accommodating for four feet of ADA clearance. Common sense told him six feet from the tables would block the sidewalks. He recommended the Council suspend approvals this year.

Ashley UpChurch

- She understood Cowherd's perspective. The businesses had proven that if there would still be an order in place, they would respect the order. Restaurants and bars would need as much seating this summer as they could possibly get. She asked that the Council not restrict any seating for this summer.

Haver was aware the Council put in stricter regulations for ADA compliance. They did not know what would happen this summer, and he would hate to jump the gun. The Council could revisit later. Magner agreed they needed to do everything they could to support the business community. Bradley thought outdoor seating could create space to allow more distance between tables. Schmidt agreed with UpChurch. He hated to put an extra burden on the restaurants. Dujardin thought they could delay further until when it became pertinent.

Haver moved and Bradley seconded a motion to approve the restaurant/bar seating on public sidewalks as applied for on the agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Green said it had been a challenging time because the County and Town had been ahead of the rest of the state. She reported there was a lot of back and forth and cooperation.

COUNCIL REPORTS AND COMMITTEE UPDATES

Mona Merrill

- She had a board meeting for The Center. MacDonald was the main presenter.

Laura Mitchell

- Mountain Express would reopen when it was deemed safe.

Will Dujardin

- He had been providing notes he took for the meetings he attended.
- The CC4CA Board had a meeting.
 - Mel Yemma passed her notes on to Dujardin.
 - The Air Quality and Control Commission worked hard last year on methane rules and were being sued for the actions. The Board voted to file an amicus brief. So far, there was no additional cost to Town.
- There were two things frustrating people in Gunnison: 1) test kits and 2) the State not being able to certify the alternate care site. He suggested drafting a letter to help move along. Schmidt heard the State Representatives had been overwhelmed, and he suggested asking about it in the meeting tomorrow. No one

on the Council voiced disagreement with sending letters on the two topics. MacDonald wanted the direction from the Commissioners in case they were working otherwise.

Candice Bradley

- Went to the TAPP meeting. They talked about how funds would be essential for marketing in the future. They also discussed the incubator program.
- The Mountain Express meeting was informational. They would resume when it was deemed safe.

Chris Haver

- He attended a lot of task force meetings this week.
- He pushed for people to apply for loans.
 - There was a Region 10 loan.
 - He specified details on certain loans.

Jim Schmidt

- He was on a conference call with Tim Baker from CBMR. They released the policy regarding their employees in a press release.
- He was on a phone call with a property owner along Elk Avenue. He thought Schmidt suggested property owners waive rent. Schmidt recommended that people contact their landlords.
- Schmidt mentioned the Zoom meeting on enforcement.
 - Dujardin said the general indication was if a person was here and adhering to orders, it was likely he/she would get exemption.
 - Schmidt heard comments on people becoming short-tempered and criticizing people with out of state plates.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

MacDonald brought up The Center's request for a joint meeting between the Board and Council. She asked whether it was a priority for the Council. The Center requested a meeting for next week. Magner thought they needed Zillioux to prepare something for Council. MacDonald identified The Center wanted to provide the Board's commentary on the situation. There was discussion on money that was owed. Schmidt was willing to listen. Haver clarified what The Center desired, which was to borrow against the building. He described the situation when it would be worth having a meeting. He did not feel comfortable. Green thought it would help to better understand Council's goals before reacting to solutions. Magner did not think it made sense to spend Town's resources to come up with solutions for them. She recommended they let The Center propose what they would like to see. Dujardin said they had to come to the Council. Green agreed it would be great to have a proposal they could evaluate. Sullivan pointed out the extension of lease terms was to facilitate borrowing on the longer lease term. Magner countered they extended the lease term because a donor made it a condition. There was never an agreement they could borrow against the property. Merrill

elaborated. Bradley pointed out there were staff members who lost their jobs. Mitchell noticed The Center did not request community grant money for Alpenglow.

MacDonald circled back to Cowherd's suggestion of ongoing communication. She pointed out the full-page newspaper ads. Haver appreciated anything they could do to be transparent about efforts. Dujardin wanted to see what the Commissioners and Mayors came up with for the next communication. He suggested they make a plan at their next meeting. Schmidt would write a hang-in-there letter, and he asked for input. Dujardin encouraged people to sign up for e alerts.

Magner suggested the Town gather information to aid individuals with resources and to direct people that were laid off or when a business closed. She wondered if the Town could have a link that would gather together resources. MacDonald said people should continue to use the one resource from the County. She recommended the Council continue to refer people there. Dujardin suggested the information be made more prominent on the Town's website.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, April 20, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 4, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 18, 2020 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

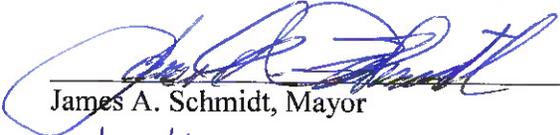
Schmidt read the reason for Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

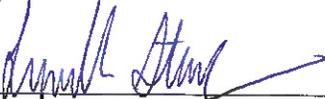
Dujardin moved and Mitchell seconded a motion to go into Executive Session for the purpose previously stated. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 10:25PM. The Council returned to open meeting at 11:07PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:07PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk (SEAL)

