

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, August 20, 2018**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:00PM.

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

Staff Present: Town Manager Dara MacDonald (for entirety of the meeting)

Town Attorney Barbara Green, Public Works Director Rodney Due, Interim Public Works Director Shea Earley, Community Development Director Michael Yerman, Parks and Recreation Director Janna Hansen, and Town Clerk Lynelle Stanford (for part of the meeting)

**APPROVAL OF AGENDA**

Stanford stated that item #1 under New Business regarded Resolution No. 15, rather than an ordinance as reflected on the agenda. The resolution was included in the packet. Item #4 under New Business was removed from the agenda.

The regular Town Council meeting minutes from August 7, 2018 were removed from the Consent Agenda, and they became the new #4 under New Business.

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

**PROCLAMATION HONORING ANNE MOORE**

Schmidt explained the Council wanted to honor citizens for different reasons. He read and presented the proclamation to Anne Moore. She accepted and thanked the Council.

**EXECUTIVE SESSION**

Schmidt read the reason for the 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) regarding Brush Creek.

Green explained to the Council the reason she advised an Executive Session.

Dujardin moved and Mitchell 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 7:09PM. The Council returned to open meeting at 8:05PM. Mayor Schmidt made the required announcement upon returning to open meeting.

### **CONSENT AGENDA**

- 1) August 7, 2018 Regular Town Council Meeting Minutes.
- 2) August 13, 2018 Special Town Council Meeting Minutes.
- 3) Colorado Jazz Musicians Festival Special Event Application and Special Event Liquor Permit for September 8 and 9, 2018 in Town Park.
- 4) Resolution No. 13, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of Revocable License to SoprisHouse LLC to Encroach into the Alley to the South of Elk Avenue and to the North of Sopris Avenue in the 300 Block, the Right of Way Adjacent to Lots 22-24, Block 27, Town of Crested Butte.

Schmidt reminded that item #1 was removed from the Consent Agenda and moved to New Business.

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

### **PUBLIC COMMENT**

Sally Johnson - 119 Gothic Ave

- Thanked the Council for doing what they did.
- She represented citizens that had concerns about the growth of the Town. They wanted to be involved with solutions.
- She offered to be a conduit between the public and the Council.
- Suggested different solutions were needed, such as signs, stop stripes, and speed bumps.
- Encouraged the Council to think outside of the box on traffic issues.
- The public wanted to be involved to help with a solution.

Cinda Blewett - Representing Mountain Tops on Elk Ave

- Was at the meeting regarding the plastic bag ban.
- An extension would help their business financially.
- They already reordered new bags that would be compliant with the ordinance, but they had a significant stock of existing bags.
- Schmidt said they would discuss Blewett's request for an extension to use their existing bags under Other Business.

### **STAFF UPDATES**

- Schmidt referred to the Manager's report in the packet.
- Dujardin questioned whether the budget retreat next week would be open to the public.
- MacDonald travelled to Buena Vista to see a subdivision that consisted of all modular housing called The Farm. The developer would provide a cost estimate for a unit in Crested Butte. Modular housing could potentially be used for building out affordable housing.
- Schmidt asked Due regarding the sidewalk on Belleview. Due updated the Council.
- MacDonald informed the Council that GCEA received the grant for the charging station for the parking lot at 1<sup>st</sup> and Elk, and they would start quickly on the solar array project.
- Schmidt thanked Due on behalf of the Council and reviewed work completed during his tenure.

## **PUBLIC HEARING**

### **1) Application by Crested Butte Grocery LLC DBA Clarks's Market for a Fermented Malt Beverage (3.2% Beer) License Located at 500 Belleview Avenue.**

Stanford confirmed proper public notice had been given. Schmidt acknowledged a petition that had been submitted by Clark's. He pointed out that Clark's had a 3.2 license at one time. Stanford reviewed the staff report. Staff recommended approval based on a complete application. The Council, as the Liquor License Authority, needed to determine the reasonable requirements of the neighborhood.

Schmidt opened the public hearing. Tom Clark explained the reasoning behind their application. Haver mentioned that his brother worked at a liquor store. No conflict of interest was identified.

Peter Cook - Owner of Acme Liquor located at 510 Belleview Ave

- He opposed the license application.
- He listed his reasons for opposition, including that Clark's sales would cut into the existing liquor stores' sales.
- He reviewed legislation around fermented malt beverages.
- He expounded upon reasons for disapproval of the application.
- Mentioned that sales tax dollars would be leaving the state.
- Read a letter supporting Cook's perspective from Red Mountain Liquors in CB South.
- Had 369 signatures on a petition opposing Clark's 3.2% alcohol license, plus 73 from online, and only 13 signatures were from people from out of Town.

Tracy Hastings - 39 Alpine Court - Owner of Treasury Liquors in Mt. Crested Butte

- Another retail liquor license was not needed in this community, from CB South to Mt. Crested Butte.

- Issuing another liquor license would not increase revenue, and it would give children more access to alcohol.
- There was no benefit to Town to have another liquor license.

Scott Strouse - Owner of The Wine House

- He was drawn to Crested Butte because of the people and the local ownership of businesses.
- The corporate channel was a slippery slope.
- Another license would not create new revenue; the revenue would be spread around.
- It threatened the aesthetic value of Town.

Tom Clark

- They did not consider themselves a chain. Clark's was a mom and pop organization.
- It was for the market to decide. They believed Clark's could be a great asset to the Town.
- They surrendered their previous license because their demand went to zero.

The public hearing was closed.

Green explained the distance requirements, age requirements for sales clerks, and other legislation. She reiterated the Council's charge was to determine the reasonable requirements of the neighborhood and the desires of the neighborhood. If both had been met, then the Council could impose reasonable requirements. There was no reason they could not continue the hearing to a date certain.

The public hearing was reopened.

Tom Clark

- They had nine grocery stores. All mountain resort stores would carry beer.
- They were based out of Aspen.

Haver recognized both petitions, one from Clarks and one from Acme. He suggested they continue the hearing.

David Leinsdorf - 3 Treasury Hill Rd

- It was important to support Clark's and Mountain Earth, the local food stores.
- If selling beer would help the financial viability of food stores, it was a positive in favor of approving the application.
- The Council's practice had been to let the market determine who succeeds and who doesn't.
- Food stores were more important than the liquor stores.

Tracy Hastings

- She said that the liquor stores were a viable part of the community, as well.

The public hearing was closed.

Dujardin stated there were responsible people of different ages working in the service industry. There were established rules, and he respected that the market determined where people spent their money.

Mitchell moved and Cowherd seconded a motion to approve the fermented malt beverage (3.2% beer) license for Crested Butte Grocery LLC DBA Clark's Market. A roll call vote was taken with all voting, "Yes," except Petito voted, "No." **Motion passed.**

### **OLD BUSINESS**

#### **1) Discussion on The Corner at Brush Creek Housing Project.**

Schmidt referenced correspondence from the County, included in the packet. MacDonald summarized the email from Rachel Magruder in which they proposed a meeting to participate in a discussion on Monday, August 27<sup>th</sup>, with no more than three people from each entity. MacDonald did not believe the meeting was considered open to the public. Schmidt agreed with having the Staff represent the Town at the meeting. Green clarified they were trying to identify the category of issues that had been raised to date. Haver concurred it was a good idea for Staff to attend to find out what the new process was looking like and how they could continue participating in the plan. Cowherd stated Town was looking for solutions on the parcel. Mitchell agreed that MacDonald should attend with whomever she chose to take. MacDonald updated on scheduling a meeting among the parties of the MOA. She was waiting to hear back from one entity.

Dwayne Lehnertz - On the Mt. Crested Butte Town Council - Acknowledged he was one of seven, and he was speaking for himself.

- He agreed with Cowherd's desire to have something go in at Brush Creek.
- They had a start.
- There was good reason to get something going out there.
- The project should match the needs.

Schmidt said the Town of Crested Butte had great dedication to affordable housing. Dujardin wanted the Town of Crested Butte and Mt. Crested Butte to come together and focus on the items that would help a project to function.

### **NEW BUSINESS**

#### **1) Resolution No. 15, Series 2018 – A Resolution of the Crested Butte Town Council Adopting an Amendment to the Annexation Agreement Between the Town of Crested Butte and Verzuh Ranch, Inc.**

Yerman told the Council that this amendment was to grant the ability to develop Block 76. He thanked Lacy for helping the affordable housing efforts. Haver asked Yerman to review benefits. Yerman explained they heard from the public the desire to not have a construction zone for many years. He affirmed for Haver the intent was to get economy of scale. Dujardin conveyed feedback from a citizen asking for the process to slow down.

Mitchell moved and Dujardin seconded a motion to approve Resolution No. 15, Series 2018 for the amendment to the Verzuh Annexation Agreement Amendment. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **2) Mt. Express Funding Request for Purchase of Lot in Whetstone Industrial Park.**

Chris Larsen was present on behalf of Mountain Express, and he introduced himself. He requested \$100,000 to help buy a lot in the Riverland Industrial Park. He described the benefits to the purchase of the lot. Larsen explained their future plans and that this opportunity would be the only to move to a different location close to Town. Schmidt questioned the repayment of a past grant. Mitchell recognized Town could gain snow storage and space. MacDonald said Town could give Mountain Express the ability to grow. MacDonald confirmed the funds would come from General Fund Reserve, and it was an expenditure that made a lot of sense.

Mitchell moved and Dujardin seconded a motion to give Mountain Express \$100,000 to be used for purchase of a lot in the Whetstone Industrial Park. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **3) An Update on Implementation of Bag Ban and Authorization of the Town Council to Send a Letter to Local Business Owners Notifying Them of the Bag Ban as of September 1, 2018.**

Yerman explained the idea of the letter coming from the Council to local merchants. In the letter, they encouraged the businesses to work on sustainability with the Town. It was meant to be a feel good project to reduce waste. Schmidt recognized it would be wasteful of a business owner to dispose of existing bags. Haver identified their goal was to go green and have the community supporting it. Green informed the Council they had authority to direct enforcement on any of their ordinances. Cowherd suggested a time limit for using up bags. Blewett explained their process for ordering bags. She asked the Council to let them get through the expense and not force them to throw away \$2,000 worth of product. Green brought the Council's attention back to the letter in the packet. Yerman reminded they were not going out to cite people. They could massage the letter, include a pro-active statement, and then then respond appropriately to citizens. Yerman summarized that businesses would have until April 1<sup>st</sup> to use up their remaining bags, and they should contact Town Staff to inform of their plan.

Dujardin moved and Petito seconded a motion to authorize the Mayor to sign a letter as amended to local businesses notifying them of the bag ban going into effect September

1<sup>st</sup>, 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

#### **4) August 7, 2018 Regular Town Council Meeting Minutes.**

On page 13 of the packet, the minutes, in both the agenda title and the motion, reflected erroneous numbers for the Town’s contribution on the preservation of Long Lake. The Town contributed \$1,000,000.

Petito moved and Dujardin seconded a motion to approve the minutes from August 7, 2018 as amended. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

### **LEGAL MATTERS**

Green updated that Judge Patrick did not rule in favor of the plaintiffs in their motion for summary judgment. The case management conference would be next week.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Jackson Petito

- The Housing Foundation was grateful for the proceeds from Long Lake. They were considering purchasing housing in Gunnison.

Will Dujardin

- Attended DOLA affordable housing workshop. Urban outpaced rural communities as far as growth.
- He wanted to emphasize building community support through engagement.
- He went to the Gunnison City Council work session on LIHTC funding and the community charrette on Block 76.
- Attended Mountain Express meeting. July ridership was only up 1%, but they were under budget for the month. They were in the process of looking at raises and benefit packages.
- The Town Manager review went well.

Kent Cowherd

- He also attended the community housing meeting.
- Attended RTA Board meeting. They had multiple clean audits.

Chris Haver

- The TA was actively marketing for the Denver hub. Larger planes would be flying in on Saturdays later this winter. Pre-sales were down compared to last year. They were working on a new logo.
- Attended various meetings, including Gunnison City Council.
- The Community Task Force asked him to work with Jennifer (Executive Director of GVRHA) on a whole valley, regional housing plan. The first launch would be

Thursday, with the intent to get public input. The idea was to come up with a cohesive plan for feedback from the jurisdictions. MacDonald asked for Council input on whom to appoint. It was determined that MacDonald and Yerman would represent the Town.

Jim Schmidt

- The CAST meeting and dinner would be coming up this week.
- Attended a housing meeting. They did a review of the director, and there was a follow up meeting this morning.
- A week ago, the Council reviewed the Town Manager. He stated MacDonald was doing a terrific job.
- There was a cemetery meeting last Friday. The Jokerville film would be repeated this Wednesday at the Center for the Arts. There has been work on the perimeter fence at the cemetery.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

- Petito was honored and pleased to be working with MacDonald.
- Mitchell thought that committees had to run decisions past the whole Council. Schmidt explained what Green's suggestion was for handling feedback. Mitchell suggested they all talk more.
- The company where Dujardin worked was a contractor at the Center for the Arts. Dujardin would remove himself from future Center for the Arts conversations during the time he would be working there.
- Related to STRs, Dujardin said it shouldn't become the burden of the citizen to do follow up work that should be done by the Town. MacDonald agreed the burden of enforcement was not on a neighbor.
- Schmidt brought up parking concerning STRs. He asked the Staff to be greener, related to grass. MacDonald and Yerman explained the process as it went through BOZAR. Parking on the public right of way required road base, rather than grass.
- Mitchell reported they might consider the Car Show, the road closures, and the times. Schmidt noticed there were few cars in each block. She suggested opening Elk at an earlier time.

#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- *Tuesday*, September 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, September 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 1, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The next meeting would be on a Tuesday. The budget planning work session would be next Monday at 1:00PM.

**EXECUTIVE SESSION**

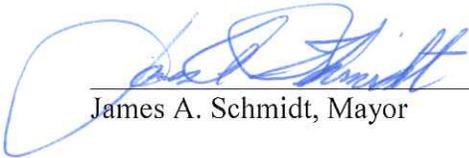
Schmidt read the reason for the Executive Session: for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding snow storage lots.

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

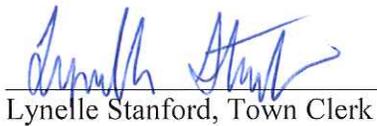
The Council went into Executive Session at 10:39PM. The Council returned to open meeting at 11:15PM. Mayor Schmidt made the required announcement upon returning to open meeting.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 11:16PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

