

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, January 22, 2019
Council Chambers, Crested Butte Town Hall

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

Council Members Present: Kent Cowherd, Jackson Petito, and Paul Merck

Will Dujardin arrived during the discussion of #3 under New Business.

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Town Clerk Lynelle Stanford

Finance Director Rob Zillioux, Public Works Director Shea Earley, Community Development Director Michael Yerman, and Parks and Recreation Director Janna Hansen (for part of the meeting)

APPROVAL OF AGENDA

Schmidt confirmed the removal of item #2 from New Business.

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

CONSENT AGENDA

1) January 7, 2019 Regular Town Council Meeting Minutes.

2) Alley Loop Nordic Marathon and Pub Ski Special Event Application and Special Event Liquor Permit for the Pub Ski on February 1 and the Alley Loop on February 2 Closing the 0, 100, and 200 Blocks of Elk Avenue; 1st Street from Whiterock to Maroon; 3rd Street from Whiterock to Elk; Elk/Maroon Alley Between 1st Street and 2nd Street; Teocalli/Butte Alley Between 2nd Street and 3rd Street; Sopris/Whiterock Alley Between 1st Street and 3rd Street; Gothic/Teocalli Alley Between 2nd Street and 3rd Street

3) Big Mine Ice Arena Services Agreement between the Town of Crested Butte and Crested Butte Nordic.

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

PROCLAMATION IN HONOR OF LES CHOY

Schmidt commented on Les Choy's music. He read the proclamation. Choy recognized Anne Campbell, who also worked on flowers for the Town.

PUBLIC COMMENT

None

STAFF UPDATES

- MacDonald asked the Council to let her know who would be attending the retreat on Friday.
- MacDonald mentioned starting the regular meeting on February 19th at 5PM.
- The City of Gunnison wanted to know if the Council wanted any items added to the agenda for the next intergovernmental meeting.
- Schmidt questioned the training for the new Marshal, and MacDonald elaborated on the department specific training.
- Schmidt affirmed the Marshals were sworn in as special deputies.
- Stanford explained that the public hearing for the transfer of the Slogar liquor license involved the Council approving the usage of the back deck. The Council could approve the transfer and disallow the deck.
- No one on the Council voiced disagreement with moving forward with an application for a pole vault event that would close Elk Avenue this summer.

PUBLIC HEARING

1) Ordinance No. 26, Series 2018 – An Ordinance of the Crested Butte Town Council Amending Articles 1, 2 and 14 of Chapter 16 and Article 15 of Chapter 18 of the Town Code to Add New Criteria for Exclusion of Certain Structures from the Definition of an Historic Building, and to Provide for the Partial Demolition of an Historic Structure Subject to an Approved Rehabilitation and Development Plan.

Yerman explained the public hearing was to repeal the ordinance. Schmidt stated Ordinance No. 26 was related to Ordinance No. 1, and there were not five Council members present to ratify Ordinance No. 1. Schmidt confirmed proper public notice was given, and he opened the public hearing.

Sue Navy - 324 Gothic

- Asked for clarification on process for both ordinances. She was concerned there would be a gap. MacDonald stated the moratorium was in effect, and she explained the timeline of ratification for the emergency ordinance.
- Navy appreciated what the Council was doing.

Schmidt closed the public hearing.

Petito moved and Merck seconded a motion to withdraw Ordinance No. 26, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ratification of Ordinance No. 1, Series 2019 (Emergency Ordinance) - An Ordinance of the Crested Butte Town Council Declaring a Temporary Moratorium On Demolition and the Processing and Approval of Applications for Demolition of Permanent Structures Within the Town of Crested Butte Pending Amendment of the Municipal Code of the Town of Crested Butte.

Schmidt reiterated that at least five members of the Council needed to be present to ratify the ordinance. Schmidt opened the public hearing. MacDonald affirmed the public hearing fell within the 20-day threshold required by the Charter. Schmidt confirmed proper public notice had been given. He opened the meeting to public comment.

Sue Navy

- She supported the moratorium.

Jim Starr

- He appreciated they were taking time to look at it closely.

Yerman reviewed background on the agenda item. He outlined the series of meetings they would hold soliciting public input. Then, Staff would bring it back to BOZAR, there would be another public meeting, and then it would come back to the Council as an ordinance.

Merck moved and Petito seconded a motion to continue the public hearing on the ratification of Ordinance No. 1, Series 2019 to the February 4th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

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

MacDonald updated on the most recent advances related to Brush Creek. She summarized the three points discussed by the two Councils. Mt. Crested Butte approved their letter to the Board of County Commissioners that was included in the packet. The memorandum proposed by the Town was also in the packet. Cowherd was happy the two towns unified around the three conditions. He acknowledged that there was a compromise. He encouraged the Council to approve the letter. Cowherd would like another letter that would expand upon the reasons. Petito was comfortable with the letter at this point. Schmidt agreed with Cowherd that the letter was a compromise. Schmidt wanted to see the Council approve the letter. MacDonald conveyed that Haver was in favor of proceeding with the letter as drafted. He also invited additional conversation on points that were not included in the letter.

Jim Starr

- He was in support that the housing needed to be built as soon as possible.
- If Gatesco could not move forward, he suggested an RFP from the four entities be issued immediately.

John O'Neal

- The conditions caused concerns about the quality and viability of the project.
- The biggest impacts would be on the lower AMI units.

Sue Navy

- It had been a good process for the two towns.
- She wanted to see the other five conditions identified by Town put forth.

George Gibson

- He thanked the two Councils for the effort and consideration.
- It was too big for the property.
- They recognized the need, but a model that doubled the size had been imposed on them.
- They wanted the low-income units.

David Leinsdorf - 3 Treasury Hill Road

- The idea the project was subsidy free was a fantasy.
- There were impacts that required upgrades at the taxpayers' expense.
- He applauded the Council for their efforts.

Cowherd recognized 156 units would be the largest housing project in the County. Merck affirmed it would be the largest building they had seen, and the area was growing. He supported the letter.

Cowherd moved and Merck seconded a motion to approve the memorandum of consent dated January 22, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Mountain Express Annual Report by Chris Larsen.

Larsen was present at the meeting. He drew the Council's attention to the annual report, the capital plan, and the budget that were included in the packet. He summarized ridership and the fleet. Larsen updated the Council that Mountain Express purchased a lot as well as a second lot with RTA in Riverland. Larsen explained grant funding. He reviewed routes, specifically the one that went to Judd Falls. MacDonald questioned the plans with the lots in Riverland. Cowherd asked about future expansion of the Town route. Schmidt wondered about the condo express dial a ride. Larsen said they liked to see how new technologies worked for other entities. Schmidt commended the drivers.

2) Memorandum of Understanding Between the Town of Crested Butte and the Crested Butte Fire Protection District and Crested Butte Search and Rescue Regarding Transfer and Use of Town Parcel 1, Slate River Annexation.

Removed from the agenda.

3) Contract with Bywater LLC to Buy, Sell, and Develop Deed Restricted Housing in the Town of Crested Butte's Paradise Park Subdivision.

Yerman explained this contract was to get Bywater under construction. He pointed out highlights in the contract. Dujardin arrived at the meeting. Yerman stated the property would be transferred in two phases. He identified the maximum total sales of \$7,669,270 and reviewed the process for the RETT.

Yerman reported on default provisions in the contract. He said that the Council could approve the contract with the contingency of legal counsel approving default language. Sullivan summarized what the Town desired was to have the option to pay the amount due on a lot, rather than going through the foreclosure process.

Petito moved and Dujardin seconded a motion to approve the contract with Bywater LLC for the development of 27 units of affordable housing in Paradise Park subject to approval by the Town Attorney for any provisions to the default contingency. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 2, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at 705 & 715 Seventh Street to Stepping Stones Children's Center.

Zillioux said Town was proposing a five year lease with a beginning rate of \$1 per square foot. The most recent thinking was that Town needed to install a fire alarm system that would call out in the event of a fire. Additionally, the building would have to be painted next year.

Merck moved and Dujardin seconded a motion to set Ordinance No. 2, Series 2019 for public hearing at the February 4th meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 3, Series 2019 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Amend Crested Butte Municipal Code Section 18-2-30 (6) Concerning Fire Suppression Requirements for Townhomes Under the International Residential Code.

Yerman stated that the IRC allowed Council to pass local text amendments. They were asking for the fire suppression exemption to be expanded to triplexes. Yerman reviewed other safety measures that would be incorporated. Cowherd asked if there had been communication with the Fire District. Yerman said the Fire Department did not have jurisdiction over the IRC.

Dujardin moved and Merck seconded a motion to set Ordinance No. 3, Series 2019 amending Code Section 18-2-30(6) concerning fire suppression requirements for townhomes under the International Residential Code to a public hearing on February 4th, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Discussion on Strategies for Efficient Meetings.

MacDonald prepared a memo with suggestions for the Council. She specified utilization of the Consent Agenda. She said they could look at work session times. Schmidt acknowledged lawsuits that occurred. Merck suggested a visual timer to help move public comments to conclusion. Petito did not want to split meeting days. He agreed items could be on the Consent Agenda, and he made other recommendations. Cowherd told the Council to be prepared, stay on topic, and to clarify questions with Staff. He had ideas for the presiding officer. Dujardin concurred with what Cowherd said about the presiding officer's role.

LEGAL MATTERS

Sullivan reported that the owners of 218 and 222 Maroon were in a dispute over a joint use agreement that was a condition of approval of a restrictive covenant agreement. There was litigation in Gunnison County and part of it was whether Town was a necessary party to litigation. Sullivan expected the Town to get involved as the Town had an interest in making sure the restrictive covenant would be upheld.

Schmidt wanted to review the procedure for the appeal hearing. Sullivan said that Green had laid out the process. Schmidt questioned if he had a conflict, since Huckstep looked into a situation for him that resulted in nothing more than a year ago.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He was encouraged by QQ to apply for a water workshop put on by the Sonoran Institute. County Commissioner Houck asked him to be a part of the County team, and they had listed Town as an applicant. Dujardin wanted to confirm he could represent Town. No one voiced disagreement. MacDonald said Town was removed as an applicant.

Kent Cowherd

- RTA ridership in December was up. There had been issues with people left behind on busy days. RTA was expanding the number of trips per day in the off-season. They supported the hire of a mechanic at the airport.
- Attended the Creative District retreat. They were narrowing their focus.

Jackson Petito

- The Housing Foundation had a meeting he was unable to attend. They would have another meeting next month. Members of the Foundation looked at properties for sale that about the Brush Creek property.

Paul Merck

- Attended STOR Committee meeting. They talked about grants.
- Toured The Center. It was going really well.

- He also toured the Adaptive Sports Program's new building.

Jim Schmidt

- Went to a housing meeting in Gunnison. They talked in general about financing options. They discussed the reasons the ballot initiative did not pass.
- Attended mayor/managers meeting. The presentation was by the Upper Gunnison.
- He went to a lunch with CBMR. The focus was on the giving, philanthropic arm of Vail.
- He was going to CAST in Wyoming. There were problems with the planes, and he did not make it.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dujardin thanked the Council for approving the Brush Creek letter.

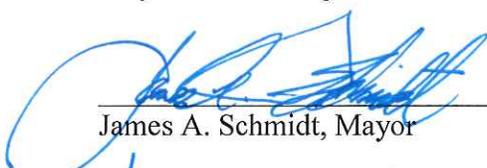
DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, February 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, February 19, 2019 - 5:00PM Regular Council
- Monday, March 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council

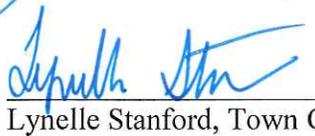
Schmidt mentioned the Town picnic and asked about upcoming work sessions.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:21PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

