

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, October 1, 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, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Community Development Director Michael Yerman

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

APPROVAL OF AGENDA

Merck moved and Mitchell 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) **September 17, 2018 Regular Town Council Meeting Minutes.**
- 2) **Water Treatment Plant Improvements Construction Manager At-Risk Agreement.**
- 3) **Appointment of Mallika Magner to BOZAR.**

Merck 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

Noel Durant - Executive Director of the Crested Butte Land Trust

- Mentioned "Bring Your Pocketbook", a handbook chronicling the history of open space protection in Gunnison County. He handed out copies to the Council.
- The Land Trust was grateful to have Town as a critical partner in land conservation.
- Schmidt asked for an update on the Gunsight Bridge, and Durant provided details on the work and fundraising.

STAFF UPDATES

Schmidt referred to MacDonald's staff report in the packet. MacDonald was pleased to announce that Shea Earley had been named the new Public Works Director. She also pointed out that August sales tax was down from last year.

PUBLIC HEARING

1) Ordinance No. 22, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing Execution of the New Cable Television Franchise Agreement With Spectrum Pacific West LLC, Doing Business As Charter Communications.

MacDonald informed the Council of the change, since first reading, with the parent company to Spectrum Pacific West LLC. The company had not yet been able to affirm the Town's final changes to the agreement, but they were close enough that she recommended the Council proceed with approval of the ordinance. Schmidt confirmed proper public notice had been given. There were no comments from the public nor further Council discussion.

Mitchell moved and Merck seconded a motion to approve Ordinance No. 22, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 24, Series 2018 - An Ordinance of the Crested Butte Town Council Approving by Reference Amendments to the Red Lady Estates Condominiums Plat Map and Declaration Text or the Vacation of the Public Access Easement and Relocation of Public Access Onto the Adjoining Town-Bench Property.

Schmidt read the title of the ordinance. Nevins informed the Council that the homeowners' association met in a special meeting, and they voted in favor of approving the amendments as written. Schmidt clarified that Town was the owner of the land beneath three of the units. Schmidt confirmed proper public notice was given. No one from the public wanted to comment.

Haver moved and Mitchell seconded a motion to approve Ordinance No. 24, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 25, Series 2018 - An Ordinance of the Crested Butte Town Council Declaring a Moratorium on the Issuance of New Business Occupation Licenses Under Chapter 6, Article 2 of the Crested Butte Municipal Code for Formula Restaurant and Retail Businesses in All Business and Commercial Districts.

MacDonald reviewed changes to the ordinance from the first reading, concerning existing and transferring businesses during the moratorium. Schmidt confirmed that proper public notice had been given. No one from the public chose to comment. Schmidt questioned process during the moratorium. MacDonald explained the process and stated the topic was scheduled for BOZAR in January. Dujardin reminded to strike the reference in the ordinance to the last great Colorado ski town.

Haver moved and Dujardin seconded a motion to approve Ordinance No. 25, Series 2018 with changes as pointed out by Will and suggested by Staff. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) State Revolving Fund Loan for Water Treatment Plant Improvements.

Earley explained the Town would be applying for a State Revolving Fund Loan. He outlined the breakdown of funding sources. He reviewed improvements and work that would be done. Earley recognized that adding a skid would assist with redundancy. He introduced Leanne Miller from JVA, the engineer who was working on the project. She answered questions from the Council regarding dredging of the reservoir, and she acknowledged Town had exceptional water quality. Schmidt confirmed proper public notice was given. No one present at the meeting wanted to comment. There was no further discussion amongst the Council.

OLD BUSINESS

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

Schmidt mentioned the work session with Mt. Crested Butte that preceded the meeting. He asked if anyone from the public wanted to comment, and no one did. MacDonald affirmed she could put together a recommendation from the conditions discussed. She identified the goal of the discussions. They would look for the Councils to take a formal vote on said conditions. She summarized the points discussed during the work session and the votes she tallied on each point. Cowherd was pleased with the unification of the Councils on key issues, and Haver thanked the Mt. Crested Butte Council.

NEW BUSINESS

1) Ordinance No. 23, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 8, Article 1 of the Crested Butte Municipal Code to Include Regulations for Operation of Bicycles and Electrical Assisted Bicycles Approaching Intersections.

Schmidt read the title of the ordinance. He opened the discussion to the Council. Merck thought it was something they could adopt. MacDonald reiterated the Staff's recommendation was to not pursue the ordinance. Schmidt recalled comments from Reily at the last meeting.

Dujardin moved and Merck seconded a motion to set Ordinance No. 23, Series 2018 to public hearing at the October 15th meeting. A roll call vote was taken with Dujardin and Merck voting, "Yes," and Mitchell, Schmidt, Haver, and Cowherd voted, "No." **Motion failed.**

Merck questioned the reasons the Council opted against setting for public hearing. Haver wanted to see more bicycle education. Merck agreed education would be helpful.

Dujardin stated the Council missed the mark in not setting for public hearing. Cowherd thought the situation was different when it involved children.

2) Resolution No. 19, Series 2018 - A Resolution of the Crested Butte Town Council Opposing "Amendment 74", an Attempt to Amend the Colorado Constitution to Drastically Limit State and Local Government Services at a High Cost to Taxpayers.

No one from the public spoke on the resolution. Schmidt cited information in the packet from QQ and CML. Both entities opposed Amendment 74.

Mitchell moved and Dujardin seconded a motion to approve Resolution No. 19, Series 2018 opposing the statewide initiative known as Amendment 74. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Resolution No. 20, Series 2018 - A Resolution of the Crested Butte Town Council Supporting "Amendment 73", a Statewide School Funding Initiative that Will Increase Income Taxes for 8% of Tax Filers and for C Corporations, While Decreasing Property Taxes for Business Property Owners, Farmers and Ranchers.

Schmidt recognized Superintendent Leslie Nichols was at the meeting. Nichols explained what Amendment 73 would do locally. She reviewed effects on personal and business taxpayers and on property owners. Nichols confirmed that the amendment would only affect one set of taxing rules. She summarized the impacts the passage of Amendment 73 would have on the local school district.

Dujardin moved and Mitchell seconded a motion to approve Resolution No. 20, Series 2018 supporting the statewide school funding initiative known as Amendment 73. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Resolution No. 21, Series 2018 - A Resolution of the Crested Butte Town Council Supporting Ballot Measure "7D" to DeBruce the Gunnison Metropolitan Recreation District, and Increase the Mill Assessment Back to the Original Amount of 1 Mil that was Established When the District was Created.

MacDonald explained that Met Rec never deBruced, so funding had decreased. If deBruced, Met Rec would return to the number of mills that had been approved, and they could continue to provide the television translator system.

Mitchell moved and Dujardin seconded a motion to approve Resolution No. 21, Series 2018 supporting the ballot initiative known as 7D. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Resolution No. 22, Series 2018 - A Resolution of the Crested Butte Town Council Supporting Ballot Measure "6A" Proposing a Property Tax Increase to Create a Dedicated Source of Funding for Gunnison County Workforce and Senior Housing.

Schmidt recused himself, and he left the room. Mayor Pro Tem Merck acted as Mayor. Darin Higgins, Executive Director of the Housing Foundation, explained they had been campaigning for an increase in property taxes to help fund affordable housing. He asked for support of the resolution and 6A. Merck asked if anyone wanted to speak. Nichols stated that the school district was in support of 6A.

Mitchell moved and Haver seconded a motion to approve Resolution No. 22, Series 2018 supporting the ballot initiative known as 6A. A roll call vote was taken with all voting, "Yes," except Schmidt recused himself and did not vote. **Motion passed unanimously.**

Schmidt returned to the meeting.

6) Resolution No. 23, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing a Landscape Maintenance and Easement Agreement By and Between the Aperture Homeowners Association, Inc. and the Town of Crested Butte, Colorado.

Schmidt questioned the ownership of the homeowners association. Yerman stated the association consisted only of Cypress at this point. He explained the purpose of the agreement and that it allowed access to the property for maintenance. Mitchell asked Sullivan if there was anything of note in the agreement, and there was not. The Council had questions regarding the fencing. Yerman confirmed the Town would not maintain the landscaping or the fencing.

Merck moved and Mitchell seconded a motion to approve Resolution No. 23, Series 2018 for the Landscape Maintenance, License, and Easement Agreement between the Town and Aperture Homeowners Association. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) Presentation of the 2018 Crested Butte Community Survey.

Nevins explained the public process and background on responses to the survey. Nevins reported there were over 400 written comments, and he encouraged the Council to read them. He saw similarities in people's lifestyles and aspirations in the responses. He reviewed the greatest challenges that were identified in the survey. Yerman elaborated upon how they reached out to people to take the survey. Mitchell was not certain that they were really listening to the community regarding parking. Dujardin identified they were not listening to constituents in not setting the Idaho Stop ordinance to public hearing. Haver saw the significance of a small town feel, as reflected in the survey results. Nevins spoke about survey results regarding the management of growth.

8) Presentation of Recommendations on the 2018 Town of Crested Butte Parking Plan.

Nevins updated that the Council was not being asked to make a decision tonight. He explained Phase 1 and reviewed changes to parking since 2014. He listed new challenges that had developed. Nevins said that the two open houses on parking were not well-attended, and they were searching for a community dialogue.

Nevins introduced the parking team from Interstate Parking: Gareth Lloyd, Tony Janowiec, and Tom Bailey. Lloyd explained that they concentrated on Elk Avenue. The ultimate goals were to always have parking spots available and to create a solution that ensured optimal space utilization at all times. Nevins elaborated upon space turnover. Other towns saw a 40% increase in visitors when resorts offered the Epic Pass. Lloyd said they would provide tools to allow the Town to control what the Council wanted to do. Nevins pointed out that the burden could be more on the visitors than the locals, and the system would be easy to use. Lloyd stated the first infraction could be a warning; it was not about ticketing people. Yerman didn't think they would change user behavior until they approached the economics. Parking turnover was an important concept. Lloyd informed the Council that Interstate Parking would upfront the capital costs, and they would hire local employees.

Next, Lloyd reported on the sustainability of the program. Schmidt recognized the goal was to get employees off Elk Avenue, and he questioned where they would go. Lloyd described ideas that could be implemented for employees. Nevins pointed out that it would be a system, and it would be flexible. The discussion turned to parking on Sopris and Maroon. Lloyd said they could decide what to do on each block. Nevins asserted they needed more public input and community dialogue. If they did proceed, there was a large amount of public outreach to be done. Nevins suggested that they could prepare and start discussions this winter. Yerman summarized how the plan would move forward. There would be an agenda item regarding parking for the next meeting.

9) Discussion and Possible Direction on Entering Into Negotiations with the Selected Developer for Affordable Housing Paradise Park Block 76 and Triplex Proposals.

Before he presented, Yerman asked to hear public comment from the neighborhood.

Roxana Alvarez - 809A Gothic Ave

- Questioned phasing of the project and the timeline for breaking ground.
- She was in opposition of increased density in the block.
- It was important that the green space be retained.
- She wanted to avoid what had happened in another block concerning parking in the front, with very little landscaping.
- She reported on aspects of specific plans.

Heli Mae Peterson

- Coburn's proposal had the highest density, but she was for affordable housing.
- She didn't care for the pathway included in the Bywater plan.
- Both developers took time and effort to make the development appealing to the neighborhood.

Yerman said the Council needed to weigh-in on the design and compatibility with the neighborhood. The review committee appreciated three great proposals as far as design, but it came down to cost. He didn't want to create a product that would put locals in unsuccessful housing situations. Yerman recommended the Council direct Staff to enter into negotiations with Coburn and Bywater. Schmidt thought it was worthwhile to check out other buildings built by each developer. MacDonald acknowledged that no proposal would make it through BOZAR as-is. Mitchell thought the jump from two bedrooms to three bedrooms in the Coburn proposal was high, and it seemed expensive for an affordable house. Yerman said they would work hard to bring the cost down.

Dujardin moved and Merck seconded a motion to enter into negotiations with Coburn Development and Bywater Development and to bring back a formal recommendation to Council on either October 15th or November 5th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- There was a new Mountain Express bus. They were working on increasing pay and benefits for drivers.
- The entire county was in extreme drought. The release from Taylor Park would go down the end of September. The area had 56% of normal precipitation for the year.

Paul Merck

- The STOR Committee had a visitor, the US Forest Service Deputy Director of Recreation. Things in recreation had not been cut very much. They had good discussions on Signal Peak and fundraising for trails. ATVs were a big topic. He reported on upcoming agenda items.
- Met with Jenny Birnie. They felt like everything was going great with The Center.

Kent Cowherd

- The Creative District would be presenting the annual report at the next meeting.
- Attended RTA meeting. They were installing bus stops, and they had a new bus. The RTA busses would have a unified logo.
- Noticed the dumpsters were gone, which was correct.
- Suggested exit interviews be held with outgoing BOZAR members.
- Mentioned the ARTumn Festival and reminded the Council they were going to discuss after the event.
- Cowherd recognized pay for Council members was unequal. MacDonald explained the timing for raises related to the election and that a Council member could not give him/herself a raise.

- Cowherd understood the ramp into the school was going to happen no matter what. He wanted to encourage the school to make it a priority to put it back into their plan.

Chris Haver

- They were discussing possible design changes in the terminal at the airport.
- The TA was reaching out to Vail on winter initiatives.
- Purchases at the industrial park were going through.
- They were looking at bus stops for next summer.
- Referred to an email regarding possible volunteer work at the school.

Jim Schmidt

- Declared Arbor Day last Friday and then attended the Cemetery Committee meeting. They would continue using organic weed killers at the cemetery. Baby Richardson's fence would be put back up. Carlson from Grand Junction was doing work on several monuments. The Cemetery Committee would be talking to the school about showing the Jokerville Film as a history lesson.
- Cowherd wanted to ask John Stock for an update on the duplex builds.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt asked if it was appropriate for Council members to serve on non-profit boards, in general. MacDonald cautioned the Council to think long and hard about committing the Council and appointing a member to place on a board. No one voiced enthusiastic support.

The TA would be using creepy but cool high-tech software. Schmidt would not mind a report from John Norton on what the TA was doing and how they were working with Vail. MacDonald would ask him to attend a meeting in December.

MacDonald and Schmidt were invited to meet with General Manager Tim Baker from Vail. Schmidt wanted to ask how committed Vail was to green power. He asked for feedback from the Council on questions to ask Baker. Affordable housing was mentioned. Mitchell wondered how they would make snow, since water had been diverted. Dujardin reiterated to talk to Baker about housing.

Merck thought the efforts for the Safe Route were being ignored. He mentioned signage near The Center that needed to be changed. MacDonald pointed out funds the Town put towards the Safe Route this year. Staff would talk to The Center about the signs.

Dujardin mentioned two emails: 1) from Sarah Kramer from the Center for Mental Health, who was searching for a foothold in Crested Butte and 2) from Elliot Stern.

The Scenic Byways Committee was getting ready to run another pamphlet. Mitchell asked if they should go through the grant cycle or if funds should come from discretionary. MacDonald stated that the fall grant cycle was open.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, October 15, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 5, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 19, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The Council would have a meeting this week, at 6PM on Thursday, to discuss reviewing the attorneys. There would be a budget work session on October 15th.

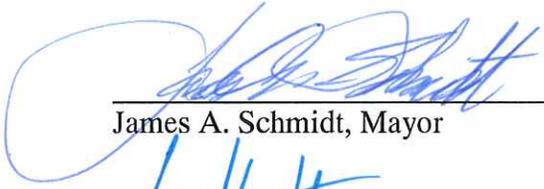
EXECUTIVE SESSION

Dujardin moved and Mitchell seconded a motion to go into 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 2016CV30080, Sopris 715, LLC v. Town of Crested Butte. A roll call vote was taken with all voting, "Yes."
Motion passed unanimously.

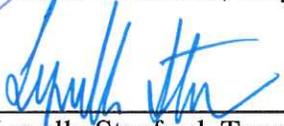
The Council went into Executive Session at 10:42PM. The Council returned to open meeting at 11:24PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:27PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

