

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, October 7, 2019
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:04PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, and Paul Merck

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

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

Schmidt mentioned the work session, which was a discussion on the 2020 Town budget.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) **September 16, 2019 Regular Town Council Meeting Minutes.**
- 2) **September 23, 2019 Special Town Council Meeting Minutes.**
- 3) **Presentation of the 2018 Financial Audit.**
- 4) **Comment letter to the Public Utilities Commission regarding Tri-State Rulemaking 19R-0408E.**
- 5) **Appointment of Public Art Commission Members.**
- 6) **Resolution No. 23, Series 2019 - A Resolution of the Crested Butte Town Council Authorizing the Release of the Grant of Recreational Easement Dated July 15, 1994 Between the Town of Crested Butte and Robert C. Schutt, Jr. and Suzanne M. Schutt.**

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

PROCLAMATION EXPRESSING APPRECIATION FOR DONITA'S CANTINA

Schmidt expressed his thoughts and read the proclamation. He presented the proclamation and keys to the Town to Don and Kay Cook and Heli Peterson. The Cooks shared memories.

PUBLIC COMMENT

Robert Burnett - Local Contractor

- He reported to be bummed about the affordable housing in Block 76.
- Mentioned that illegal employees worked for Bywater.
- Working class people needed high wages to survive.
- The Town was not helping him to be sustainable.
- There was a huge black market that took money from the working class of the valley.

Kent Cowherd

- He presented ideas on how the Town could grow and develop their ever-changing needs.
- He described affordable housing, snow storage, and parking as Neapolitan ice cream.
- He suggested a different location for the Post Office, a location for Space to Create, and a solution for the Red Lady/135 Intersection.

STAFF UPDATES

- MacDonald asked for direction on shortening the packets, specifically the inclusion of agendas from other entities. Some Council members thought they were helpful, and the Council directed to keep the agendas in the packets.
- The Council discussed a change to action minutes. Magner was in favor. Schmidt and Dujardin liked the minutes as is. Haver and Bradley agreed.
- MacDonald stated the agenda for the intergovernmental dinner could be discussed under Other Business.
- Verizon representatives were interested in the public works site. MacDonald said they could look at a lease as soon as possible. The relationship with the Community School would be voided.
- Schmidt questioned the debrief meeting on Vinotok. Stanford mentioned the messes in the transit center.
- Schmidt recognized sales tax numbers provided in the packet.

PUBLIC HEARING

1) Ordinance No. 36, Series 2019 - An Ordinance of the Crested Butte Town Council Repealing and Replacing Chapter 2, Article 8 of the Crested Butte Municipal Code to Establish a Public Art Commission in Replacement of the Creative District Commission and the Requirements Related Thereto.

Schmidt read the title of the ordinance. Yemma reported the ordinance solidified the restructuring of the Creative District. Schmidt confirmed proper public notice had been given. Yemma stated there were no changes from first reading. No one from the public chose to comment, and the public hearing was closed. There was no further Council discussion.

Merck moved and Bradley seconded a motion to pass Ordinance No. 36, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Transfer of a Retail Marijuana Dispensary Permit from Pure Industries LLC DBA Soma Wellness Center to Crested Butte Investments LLC DBA Soma DBA The Dispensary.

Sarah Waddles, General Manager, and Charlie Feese, Owner, were present at the meeting. Stanford told the Council that Staff recommended approval of the transfer. Feese spoke briefly on dispensary ownership in Colorado. He told the Council he was from Eagle County.

Merck moved and Bradley seconded a motion to approve the application for a transfer of a retail marijuana dispensary permit to Crested Butte Investments LLC DBA Soma DBA The Dispensary. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

1) Discussion on The Corner at Brush Creek.

Schmidt summarized the most recent letter from Gatesco. Jeff Moffett was present representing Gatesco. Dwayne Lehnertz explained the vote of the Mt. Crested Butte Council, which was to stick with 156 (units)/5 (acres set aside)/2 (parking spaces). Dujardin referred to the letter from Jim Starr. Schmidt acknowledged a letter from David Leinsdorf and one that was emailed from Steve Payne. Dujardin stood behind what Starr said. Dujardin listed points that could be negotiated, such as a four acre set aside rather than five acres. Schmidt thought what they determined with Mt. Crested Butte was a compromise. Magner did not see a reason to keep revisiting the issue they agreed upon with Mt. Crested Butte.

Dwayne Lehnertz

- He questioned if the Council had seen the revised housing needs assessment. He encouraged them to look at it.
- There would be an unbalance created that would have negative impacts on a healthy housing market.

David Leinsdorf - 3 Treasury Hill Road

- He addressed Dujardin's comment on Jim Starr's letter. He identified statements in the letter he described as misstatements of fact. The parking issue was not driven by number of units.
- He suggested the Council focus on the chart in his handout that compared occupancy data as projected by CDPHE and Gary Gates. The idea of going below two parking spots was crazy.
- The two Councils worked hard for five months to arrive at a compromise that was initiated by Town. He told the Council not to abandon their ally.

George Gibson - 31 Powderview Drive

- The very lowest AMI category was being reduced.
- He listed AMIs and rent amounts related to what Gatesco would gain.
- Nothing in the discussion with Gates was off the table. Gates had no commitment to the lower end people.
- He requested the Town stand by the conditions with Mt. Crested Butte. Give no grounds for interpretation.

Eileen Whitley

- Gates identified other units throughout the state and the parking that was allowed. With this project, there was no on-street parking.
- This project had gone on for so long. She had not seen anything that created so much divisiveness in the valley.
- She asked at what point they believed the negotiations.
- Stand by the conditions.

Kent Cowherd

- He wanted the Council to support the three conditions in place.
- The project was only half affordable housing.
- He stated it was fair to hold Gatesco to the three conditions.
- This project would be the largest of this type in the County.

Dujardin asked whether the Council had room to negotiate on the set aside and parking spaces. Merck thought they should stick with the conditions agreed upon with Mt. Crested Butte. Bradley asked if anyone on Council would consider living there. She thought they should work towards making something work. There was discussion on the compromise with Mt. Crested Butte. The agenda topic was continued to the next meeting.

NEW BUSINESS

1) Ordinance No. 37, Series 2019 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-120 of the Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$29.00 Per Month Per EQR; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$38.50 Per Month Per EQR.

Schmidt read the title of the ordinance. Zillioux was prepared for questions, but the increase had been mentioned during the work session. There was no further discussion amongst the Council.

Magner moved and Merck seconded a motion to set Ordinance No. 37, Series 2019 to public hearing at the next meeting on October 21st. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 38, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Rezone of Block 80, Lot 1, Paradise Park Subdivision, Town of Crested Butte, Colorado from Residential/Multi-Family "R-2A" to Public "P".

Schmidt read the title of the ordinance. Yerman asked the Council to set the ordinance to public hearing on the 21st. The kids from SOAR would present at the public hearing. Yerman reviewed the task that was in front of them to design a rental unit, Nordic cat garage, and public restroom.

Merck moved and Bradley seconded a motion to set Ordinance No. 38, Series 2019 for public hearing on October 21st. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Presentation, Discussion, and Possible Adoption of the Snow and Ice Control Operations Plan.

Earley reported nothing had changed from last year to this year. He pointed out the passage of Ordinance No. 27, Series 2019. He outlined points from the staff report, including the plan for the removal of snow banks. Hansen elaborated that it was the adjacent property owners' responsibilities to remove snow and ice, primarily on Elk Avenue and at bus stops. Schmidt questioned snow removal around The Center for the Arts, which Hansen reviewed. Earley hoped Town could gain snow storage on the Martins' property. They were also looking to utilize space at the annexation.

Merck moved and Haver seconded a motion to approve the Town of Crested Butte 2019-20 Snow Management Guidelines. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Resolution No. 19, Series 2019 - A Resolution of the Crested Butte Town Council Supporting Ballot Measure "6A" to Increase the Mill Assessment in Gunnison County by 1.9 Mills for the Provision of Library Services and Facilities.

Drew Brookhart, Executive Director for Gunnison County Libraries, said the questions he had heard were centered on the future of the public library. A dedicated stream of revenue for library services was paramount. He identified large expenses. Haver agreed the ballot measure would bring a constant level of funding. He thought it was a reasonable level. He was comfortable with it, and he appreciated the time to research.

Dujardin moved and Bradley seconded a motion to approve Resolution No. 19, Series 2019 supporting ballot measure 6A. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Resolution No. 22, Series 2019 - A Resolution of the Crested Butte Town Council Supporting the Creation of an Independently Generated Model (Or Models) of Improved Medicare for All Such That the Public May Compare it to the Current Mix of Health Care Financing Programs.

Schmidt acknowledged the person who presented the resolution could not attend the meeting. Dujardin mentioned HB1384, and there was a mirrored bill introduced in the Senate by Bernie Sanders. He thought the community would relate to the issues brought forth. Schmidt identified the overhead cost for Medicare was lower than the overhead cost of insurance companies. Merck recognized it was a good effort moving in the right direction, but it was more government and higher taxes. Dujardin thought it made economic sense because the higher taxes would be balanced out by lesser insurance costs. He hoped they could support the resolution where it was.

Magner moved and Dujardin seconded a motion to approve Resolution No. 22, Series 2019. A roll call vote was taken with Schmidt, Haver, Bradley, Dujardin, and Magner voting, "Yes," and Merck voting, "No." **Motion passed.**

LEGAL MATTERS

Sullivan had been working with Staff on a variety of things from plats to revocable license agreements. They completed the revisions to the boater access easement, and they were sent back to Cypress this afternoon.

Dujardin clarified Council members spoke for themselves and not as the Town regarding the nicotine tax question. MacDonald added that the Council could not advocate one way or the other.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He received the manager's report from the Upper Gunnison River Water Conservancy District. Frank Kugel had moved to his new job. Drought was creeping back into Southwest Colorado. The reservoirs were still looking pretty good. There would not be a new manager until the beginning of December.
- Attended the conference in Park City. He felt it was a good use of time. The sense of urgency was super high. He listed ideas they should consider.
- Schmidt stated the conference was excellent. He mentioned the presentation by Jane Goodall. The organizers asked Town to commit to a pledge that he forwarded on to everyone. He read the pledge.

Dujardin moved and Schmidt seconded a motion to sign onto the Mountain Towns 2030 pledge. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

- Schmidt said there were so many good ideas. He was excited and depressed after the conference.
- Dujardin thought the electric busses were awesome.

Candice Bradley

- The Creative District Commission meeting was rescheduled.
- She did not make it to The Center meeting.
- Participated in a diversity walk in Gunnison.

Chris Haver

- Had a RTA meeting.
 - They did not get the grant for the terminal.
 - The stops on 135 were finished.
 - He updated on the summer air service. The winter flights were loaded. Fares were slightly higher.
 - DU had a class to study the effects of the Ikon and Epic passes on the ski industry.
 - Bus ridership was up.
 - They had a second bus for Vinotok. The busses were packed and people were left behind.
 - A stop at Almost was in the plans.
 - They were replacing the last of the busses with CNG, which completed their replacement fleet.
 - They did a business owner survey to determine if there were major times they were missing.
 - There were no utilities that ran to the Whetstone property.

Jim Schmidt

- Attended Arbor Day festivities.
- Went on the Keystone Mine tour. MacDonald identified Ashley Bembenek as really helpful and worth her weight in gold.
- He reiterated there were many great ideas at the Park City conference.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt stated it was time to review the Town Manager. Dujardin was okay doing the review during Executive Session, which was planned for the next meeting.

Schmidt brought up concerns voiced by Burnett during public comment related to Town contracts and the hiring of illegal immigrants. MacDonald said contractors for Town had to meet State law. Magner recognized they wanted workers to be paid fair wages. Merck stated there were channels. MacDonald said the Town of Crested Butte had not enforced State and Federal laws in the past. There was discussion on people with criminal history

and Bywater. Merck summarized what he heard from Burnett. Sullivan said the Town would have a way to address if the Town hired someone to work on Town's property.

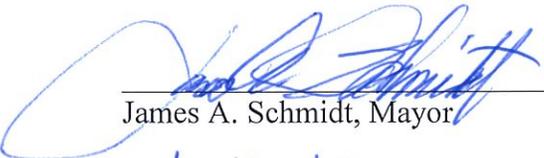
MacDonald mentioned the intergovernmental meeting agenda. Dujardin recommended the Council pass a resolution declaring a climate emergency. Schmidt suggested the resolution be prepared for the Council meeting on October 21st. Dujardin thought they should discuss other affordable housing projects going on in the valley during the intergovernmental meeting. Schmidt asked if they needed to discuss regional transportation. Dujardin specified they discuss the late night town taxi with the group, so the topic of regional transportation remained on the agenda. Schmidt asked the Council regarding the inviting of the managers. MacDonald knew of two that would be absent at the next meeting. Schmidt thought it was appropriate and fair to invite the other managers. MacDonald suggested the meeting dates be set in advance to reoccur every year. The Council decided to discuss the climate action plan, census, and regional transportation.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

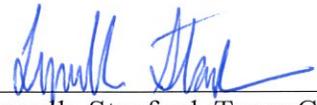
- Monday, October 21, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Wednesday, October 23, 2019 - Intergovernmental Dinner - 6:00PM at the Wooden Nickel
- Monday, November 4, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 18, 2019 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:38PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

