

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 5, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:07PM.

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

Haver left the meeting during #2 under New Business, so he did not vote on motions for the remainder of the meeting.

Staff Present: Town Manager Dara MacDonald and Town Attorney John Sullivan

Parks and Recreation Director Janna Hansen, Community Development Director Michael Yerman, Chief Marshal Mike Reily, and Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

Schmidt added a third Executive Session, and he read the reason: 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) to discuss the ADU Case.

Merck moved and Mitchell 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) October 15, 2018 Regular Town Council Meeting Minutes.**
- 2) Agreement for the Extension of Town Water to Ruby Mountain Pursuant to Section 13-1-280.**
- 3) Acceptance of Ruby Mountain Easement for Slate River Water Transmission Line.**
- 4) Resolution No. 25, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Suzanne Simmons to Encroach Into the Right-Of-Way Adjacent to Gothic Avenue and Lots 22-24, Block 27, Town of Crested Butte.**

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

PROCLAMATION IN HONOR OF GLO CUNNINGHAM

Schmidt read the proclamation. Cunningham thanked the Council. She was humbled, honored, and thrilled. Schmidt presented Cunningham with a key to the Town.

PUBLIC COMMENT

None

STAFF UPDATES

- Schmidt referred to questions posed in the Manager's Report. MacDonald identified that Staff needed direction on the proclamation regarding National Day of the Migrant. Schmidt was in favor of the proclamation. Cowherd agreed it matched the community values. No one disagreed, and it would be included on the next agenda.
- MacDonald reminded of the upcoming dinner this week amongst elected officials.
- There was a brief discussion on the Crested Butte to Carbondale Trail. The Council agreed to the Mayor signing the letter of support for Pitkin County that had been included in the packet.
- MacDonald met with the School of Dance. There had been positive conversations between the School of Dance and The Center for the Arts.
- She pointed out the placemats in front of every Council member. The placemats held sheets listing the Council's values, goals, and priorities.
- Schmidt questioned if there had been any updated information on Big Air. Stanford reported that an application had not yet been submitted.
- Referencing Yerman's short-term rental update, Cowherd asked about the five properties that were found operating without a license.

OLD BUSINESS

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

Schmidt explained the reasoning behind Mt. Crested Butte deferring a meeting between the councils. From the letter included in the packet, he reviewed points that had been discussed. Schmidt thought they needed to discuss #5 further, regarding the management of the units. Petito clarified that he wanted the residents to have a body and a third party mediator that had been elected, to which they could appeal. Haver summarized aspects in his proposed letter that was not in the packet but was emailed before the meeting. Dujardin drew the conversation back to the management agency, and he questioned what the relationship would be between the agency and Gatesco. Haver suggested they ask for input from the Gunnison Valley Housing Authority. Petito elaborated upon the importance he saw for oversight, for both the tenant and the landlord. MacDonald

recommended the Council state the intent to where they were trying to get, rather than trying to identify the solution.

Next, Schmidt brought up #4 from the letter in the packet, which stated the project should include for-sale units for people falling within 80 to 120% of AMI. Mitchell thought it would be hard to obtain financing to purchase. Schmidt was ambivalent, while recognizing the Town would be building for-sale units. Petito preferred that there would be for-sale units. Haver's letter indicated they would want to receive feedback on the issue. Cowherd thought it was important that the councils gain consensus on the items, and he would give up this one for consensus on others. Dujardin was concerned there were no ownership opportunities for people under 100% AMI, and they still needed to discuss. Haver did not disagree as it related to his letter, and he confirmed the overall purpose of the letter.

There was discussion on the process. MacDonald explained the reason for meetings with the Mt. Crested Butte Council. Haver suggested an order for proposed meetings, starting with another meeting between Crested Butte and Mt. Crested Butte. Cowherd thought feedback from the public was important. Dujardin said they should bring Gatesco into a meeting at some point. He did not think they should stop 180 units from happening if it could be achieved. MacDonald would summarize and gather comments based on the discussion tonight and Haver's letter in order to refine a letter for discussion at the next meeting.

Schmidt asked if anyone from the public wanted to comment:

Katey Nelson

- She would love to see a long-term housing development happen.
- She experienced difficulty in finding housing.

NEW BUSINESS

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

Hansen showed a slide with a map that illustrated the snow management plan. She reviewed areas that were used for snow storage. She summarized highlights from the snow management plan. Hansen reviewed background on past decisions concerning removal of snow banks. She explained the banks were removed between Christmas and New Year's last year. Haver asked if there were issues with the new parking regulations. Reily reported so far it had been good, and they were still in warning mode. Hansen stated that Staff stood behind clearing banks after every snowstorm. Petito recognized that when the banks remained, people would park in traffic, away from the curb, and public safety was their first job. Mitchell wanted to try snow banks again. Dujardin agreed with Mitchell. Cowherd thought they should enjoy the snow banks during the holiday season. Merck agreed with the Staff and the Marshal's recommendations. He

did not like snow banks for the safety consideration and narrowing of streets. Haver was fine directing Staff to clear the snow.

Schmidt opened the meeting to public comment:

Alan Bernholtz - 416 Sopris

- He stated the snow banks did not need to be a safety issue.
- He suggested leaving the snow banks from Christmas to MLK weekend.
- He questioned how much it cost to remove the banks after every storm.

The Council discussed leaving the snow banks until MLK. Schmidt considered leaving them through Christmas as a compromise. Haver was not pushing to leave the snow banks through MLK.

Dujardin moved to approve the Town of Crested Butte 2018-19 Snow Management Guidelines as amended to go from the week before Christmas to the week after MLK. Motion died due to lack of second.

Mitchell moved and Dujardin seconded a motion to approve the Town of Crested Butte 2018-19 Snow Management Guidelines as presented. A roll call vote was taken with Mitchell, Schmidt, Haver, Cowherd, and Dujardin voting, "Yes," and Merck and Petito voting, "No." **Motion passed.**

Mitchell questioned the method for plowing regarding the Safe Route to School through the park and Hansen explained.

2) Annual Report by the Chair of the Weed Advisory Board on Weed Management in the Town of Crested Butte.

Hansen introduced key partners in attendance at the meeting. She reviewed the make-up of the Noxious Weed Advisory Board. She provided background on weed management within the Town of Crested Butte. They were asking the Town to fund, into perpetuity, a shared position for weed management that had previously been funded by a grant. Jenny Reithe, from RMBL, reviewed work being done around RMBL. She stressed the importance of weed management. Jason Evanko, from Gunnison County, explained work and the areas he treated in Town. Brad Wigginton, with Gunnison County, explained they did their best to work around the towns to prevent the seeds from being dispersed. Hansen reported on education and awareness; prevention and detection; and revegetation and rehabilitation. She outlined priorities for 2019, and she emphasized the importance of securing funding for a shared seasonal position. Jon Mugglestone, Gunnison County Weed District Coordinator, concurred with Hansen and reiterated the importance of partnerships to address the issue on a basin-wide scale.

3) Discussion Regarding Toy Vehicles in Town Rights of Way.

Reily identified that scooters may or may not be toy vehicles. He explained the Marshals' focus was on general safety with the goal to reduce conflict. He reviewed descriptions of toy vehicles, including low-power scooters, skis, toboggans, coasting sled, and skates. Reily then described the one wheel. He elaborated upon how the Marshals would currently address toy vehicles. Schmidt acknowledged there could be problems if a business decided to rent toy vehicles. Mitchell knew of a business that did rent them out, and she suggested they determine where they would not be okay. Reily felt they had a good handle on what had been happening. Dujardin thought they should be looking at a way to allow toy vehicles. He encouraged the Council to look to allow citizens continue being who they were. Reily stated the main streets were not good options for toy vehicles because of the potential conflict.

Charles Cowap - Student at Western

- He agreed with Dujardin's point that toy vehicles could be used safely.
- He recognized that the vehicles were equipped with brakes, unlike skateboards.

4) Presentation of the 5 Year Town of Crested Butte Affordable Housing Plan.

Yerman reviewed the goals for Town's affordable housing, and he explained progress made, including that 45 units were approved. Yerman showed a slide listing affordable housing successes since 2016. He proposed new policies for the Council to consider, one that was expedited BOZAR review, to which the Council was agreeable. Next, Yerman suggested a deed restriction purchase program that he thought could be successful. Yerman then mentioned a water and wastewater enterprise fee tap reduction. Yerman reported on reducing greenhouse gas emissions for Block 76, which would be about reducing residents' costs. The Council was agreeable to having Yerman pursue information to report back.

Yerman went through projects for 2018 and for 2019-2020. He informed the Council that Lot 5, Block 80 needed further review, partly due to a geo-grid and the risk of collapsing. Yerman focused on the budget as it pertained to affordable housing and major expenses. He then showed a slide with projects for 2021 and beyond and slides for 2021 budgeting and beyond. He reported on the Slate River Annexation and the associated costs for beyond 2021. He asked for direction from Council on Block 5, Lot 80. There was discussion on possibilities for the lot, including the potential for an ADU. No one on the Council voiced disagreement with selling the lot to generate seed money for a down payment program. Jim Starr recommended requiring an ADU on the lot. Yerman expressed concern with affordability of the lot. Schmidt took questions from Susan Eskew that Yerman answered.

5) Review and Adoption of the 2019 Paradise Park Affordable Housing Lottery Timeline and Procedures.

Yerman informed the Council there would be two lotteries. His staff report reflected a timeline starting on November 5th to set sale prices, AMI targets, and confirm the lottery process. He explained there would be two categories of AMI cap, up to 140% and up to

200%. There was a short discussion on employer purchases. Cowherd questioned the numbers for lottery entries, and a discussion ensued. Jennifer Kermode, from the Housing Authority, stated the Town would not be involved in the lottery.

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He attended an Upper Gunnison River Water Conservancy District meeting at the beginning of October. The drought would persist until further notice. They had high-level discussions on drought contingency planning.
- Laura Mitchell was named the new Chair of Mountain Express. Duane Lehnert, from Mt. Crested Butte, joined the board. Ridership was down. They hired six new drivers for the winter season.
- He thought they needed to double down on efforts with the widening affordability gap.

Kent Cowherd

- He would attend an upcoming Creative District meeting.

Paul Merck

- Went to The Center for the Arts/School of Dance meeting. They seemed to work things out.
- He expressed appreciation for MacDonald's efforts in helping the museum with problem solving.

Laura Mitchell

- Attended Mountain Express meeting.

Jackson Petito

- The Housing Foundation would have more business as of tomorrow because they had been focused on the 6A push. They were moving closer to buying a 14 unit apartment complex in Gunnison, and they were looking at other properties north of Gunnison.

Jim Schmidt

- Went to OVPP.
- Attended CAST meeting with MacDonald in Winter Park. There were presentations about housing, what happened when a town ran out of money in a recession, and fiber optic cable.
- Went to a meeting at the Depot regarding the trail from Carbondale to Crested Butte.
- The Mayor/Managers meeting was held at The Center for the Arts.

- MacDonald pointed out Aspen was contemplating a time when all residents would live in deed-restricted housing.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Dujardin had been encouraged and wanted to be more involved with OVPP. MacDonald told him that they could further inquire. He asked to be kept in the loop on the next meeting. No one on the Council voiced disagreement with his involvement.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, November 19, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 3, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt confirmed the Council would meet tomorrow at 9AM. He mentioned the dinner on Thursday night at 9380. The next regular meeting would be on the 19th, and they would schedule another joint meeting with Mt. Crested Butte.

EXECUTIVE SESSION

Schmidt read the three reasons for Executive Session:

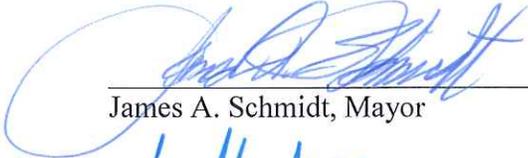
- 1) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) to discuss the ADU Case.
- 2) For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) on R and S Journey's End LLC Case Number 2018-CV-30008.
- 3) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees, regarding the Town Manager Annual Review.

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

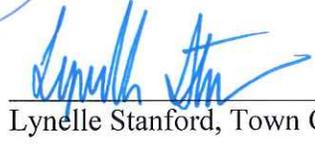
The Council went into Executive Session at 11:07PM. The Council returned to open meeting at 12:45AM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 12:47AM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

