

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, November 6, 2017**  
**Council Chambers, Crested Butte Town Hall**

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

Council Members Present: Jim Schmidt, Jackson Petito, Chris Ladoulis, Roland Mason, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, Community Development Director Michael Yerman, and Town Clerk Lynelle Stanford

Public Works Director Rodney Due, Finance Director Lois Rozman, Parks and Recreation Director Janna Hansen, and Chief Marshal Mike Reily (for part of the meeting)

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- 1) **October 16, 2017 Regular Town Council Meeting Minutes.**
- 2) **Resolution No. 66, Series 2017 - A Resolution of the Crested Butte Town Council Approving the Jackson Subdivision Located Within Block 16, the North 75 Feet of Lot 5 and All of Lots 6-10, Town of Crested Butte, Gunnison County, State of Colorado.**
- 3) **Appointment of Jenny Birnie and Lisa Wishard to the Creative District Commission.**

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

**APPRECIATION AND COMMENDATION RECOGNIZING TODD WASINGER, ADAM OFSTEDAHL, AND JOHN STOCK FOR THEIR EFFORTS IN ASSISTING WITH THE STUDENT TOWN RENTAL BUILD PROJECT**

Yerman thanked the Council and Mayor for the opportunity to work on the student build project. Michel presented plaques to Wasinger, Ofstedahl, and Stock, and he thanked them. Wasinger thanked the Council and recognized others who helped.

## **PUBLIC COMMENT**

Sue Navy

- Thanked MacDonald and Due for helping with Paradise Clean-up Day by providing a dumpster.
- She thanked Schmidt for driving the Alpine Express bus, and she thanked everyone who participated.
- They had a great time and did something worthwhile.

Jerry Lund - 30 Teocalli Ave

- He listed major issues he saw in Town.
- There was an investor who wanted to spend money on affordable housing rather than tax dollars. Council should at least listen and negotiate the best deal possible.
- Think outside of the box on affordable housing.

Joni Lund - 30 Teocalli Ave

- Parking and snow removal had been a problem for 25 years. Town didn't need to spend \$200K on start-up costs to then pull the plug.
- Town needed real estate for more parking.
- Provide a safe place to walk. Elk Avenue and walkways should be clear and dry.
- Parking was needed to support local businesses.
- Paid parking on Elk Avenue would be a step backward for Town.
- Think outside the box on parking.
- Be forward thinking about the future of Crested Butte.

## **STAFF UPDATES**

Lois Rozman

- September sales tax was up 12%. There were quarterly filers included in September.

Rodney Due

- Water crews were working on a water main break at 4<sup>th</sup> and Belleview.
- There would be short outages on south Sopris Avenue between 4<sup>th</sup> and 6<sup>th</sup> Streets.

Janna Hansen

- With the arrival of winter, Hansen reminded all to keep bikes and other personal items out of the rights of way.

Lynelle Stanford

- Received a completed application to transfer the liquor license for Talk of the Town.
- Had been working to plan the run-off election.

- A special event application for the Turkey Trot would be approved administratively.

Mike Reily

- Rights of way were in play as of November 1 for winter parking rules.
- Marshals tried to warn ahead of ticketing and towing.

Michael Yerman

- MuniRevs was up and running for short-term rental licensing. They would issue licenses to those on the list. He explained timelines.
- The Forest Service plan came out today. Staff would come back to the Council with another letter to send.

Dara MacDonald

- Judge Patrick ruled in favor of the Town in the ADU lawsuit on 5 of 6 claims. One claim was dismissed. Mediation was scheduled for January.
- Met with representatives of Freeport on Mt. Emmons. They had been doing a lot of work on the site and were under contract to investigate and oversee remediation of waste piles on private land. They would have a plan for remediation by April of 2018. Work was subject to Town's water protection ordinance.
- She reported on work they had done such as: portal improvements; pre-feasibility study to finalize the design of the treatment plant; and investigatory work on the tailing piles. The tailing piles were drying out, which indicated the cap was working as was intended. She reviewed additional work planned for 2018.
- They reopened discussion on withdrawals of the claims. Nothing would happen in the near term. MacDonald said they provided a thorough update, and the openness to reengage in the withdrawal was positive.
- Met with Gary Gates, Kendall Burgemeister, and John O'Neal. They proposed to hold a work session with the Council focused on the Brush Creek development and a dialogue with the development team.
- Green updated that the County said there was no contract that had been agreed upon to sell the Brush Creek property. They were working on the deed restrictions at the front end.
- MacDonald stated that CAST formed a committee to discuss transportation issues. They were putting the effort on hold until after next summer. Aspen was holding a movement lab to try any idea related to transportation.
- Staff suggested regular meetings be changed in January from the first and third Mondays because of the holidays. Sam Light was scheduled for January 16, which would remain on the schedule as a work session.

## **PUBLIC HEARING**

**1) Ordinance No. 31, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-110 of the Crested Butte Municipal Code to Increase the System Development Fees, Otherwise Known as "Tap-In Fees", to \$8,100 Per EQR**

**for Water and \$9,900 Per EQR for Sewer; 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 \$28.00 Per Month Per EQR and to Increase the Rates for Water Use Above the “Base Allotment” to \$3.50 Per 1,000 Gallons for the First 5,000 Gallon Block, \$3.75 Per 1,000 Gallons for the Second 5,000 Gallon Block, \$4.00 Per 1,000 Gallons for the Third 5,000 Gallon Block, \$4.25 Per 1,000 Gallons for the Fourth 5,000 Gallon Block, \$4.75 Per 1,000 Gallons for the Fifth 5,000 Gallon Block and \$5.50 Per 1,000 Gallons Thereafter; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$37.50 Per Month Per EQR.**

Michel read the title of the ordinance. He confirmed proper public notice had been given, and Due confirmed that nothing had changed since the last meeting. There was no one present who wanted to comment. The public hearing was closed. There was no further Council discussion.

Schmidt moved and Merck seconded a motion to approve Ordinance No. 31, Series 2017. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**2) Resolution No. 63, Series 2017 - A Resolution of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2018, Beginning the First Day of January 2018 and Ending the Last Day of December 2018.**

Michel read the title of the resolution, and he confirmed that proper public notice had been given. Rozman informed the Council that the resolution was what the budget was built upon. She highlighted specific details.

Michel opened the public hearing and asked if anyone from the public wanted to comment.

Jim Starr - 323 Gothic

- He asked how the mill levy would compare from a business to a house from last year to what was being proposed this year.

The public hearing was closed, and there was no further Council discussion.

Mitchell moved and Mason seconded a motion to approve Resolution No. 63, Series 2017. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

**3) Resolution No. 64, Series 2017 - A Resolution of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day Of January 2018, and Ending the Last Day of December 2018, Estimating the Amount of Money Necessary to be Derived from Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.**

Michel read the title of the resolution and confirmed that proper public notice had been given. Rozman said there had been no changes to the document. She pointed out updates from the last work session and additional requests included in the staff report. Ladoulis questioned the costs of the snow stops (on Town Hall's roof), which Due explained.

Michel opened the meeting to public comment.

Jim Starr

- He noticed no funding for QQ for next year. They helped with water quality and quantity issues. He wanted the Council to consider adding QQ into the budget.
- Rozman said that QQ was in the General Fund, under Dues and Subscriptions. They were under the impression Town got a special rate from the Town Attorneys, and Town didn't need it. MacDonald and Due didn't directly use QQ. Town was the only municipality that was a member in this area. Green reviewed the functions of QQ that affected Town. It was as good as the members made it.
- The Council directed Staff to renew the membership.

The public hearing was closed, and the meeting was moved to Council discussion.

Michel thanked Rozman for her work on the budget and recognized it was her last.

Schmidt supported both of the change requests. He pointed out community grant funding to Silent Tracks. Merck asked if there would be reinsulating done with the roof project. Michel said it could be a budget amendment. Schmidt acknowledged there were funds included for the roundabout. He suggested a work session to discuss.

Schmidt moved and Merck seconded a motion to approve Resolution No. 64, Series 2017 with the new change requests regarding the structural reinforcement installation of snow stops for this building and a \$6,000 request for trail grooming at the Town Ranch. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **NEW BUSINESS**

### **1) Discussion and Possible Adoption of the 2017/2018 Snow Plan.**

Michel explained the origination of the snow plan approval by the Council. Due presented highlights from his staff report. Michel asked for him to review changes. Due stated what would remain the same as in past years. He explained they were hiring a full time operator instead of a seasonal operator.

Hansen showed a map of Town and explained changes to snow removal around the Center for the Arts. Ladoulis wondered how the Four-Way expansion affected snow storage. Due said they would gain snow storage. Due pointed out the changes to winter parking signage, and that visitors simply needed to know if it was an odd or even day. Michel confirmed the new signs would go up next December, not this year. Due pointed

out the Parking Committee recommended that there were no snow banks at all on Elk. Snow banks would be removed after every snow event. Hansen explained her crews could not remove ice on every place on Elk Avenue, and there were hazards created in the transition from heated sidewalk to unheated sidewalk. Reily agreed there were safety hazards created by the snow banks.

Michel opened the discussion on snow banks to the Council. Ladoulis questioned the cost of removing the banks. Michel recognized it was for health and human safety. Due said the budget could handle it. Michel confirmed with Petito and Ladoulis the removal of banks was a recommendation from the Parking Committee. Mason wondered if there was leeway for special events, in order to avoid having to pull snow from other locations. Michel was okay with the new plan. Schmidt wanted to reach a compromise and leave the snow banks during the holidays. He recommended they pass the model that was the same as last year. Ladoulis agreed with Schmidt. He hated to see Town lose the snow banks. Petito placed health and safety before aesthetics. He was in favor of keeping them clear. Mason said the compromise worked out well. They needed to keep the aesthetics of Crested Butte. Mitchell agreed with Petito on health and human safety. She said they could take a year off (from snow banks) and revisit next year. Merck thought it was a health and public safety issue. He agreed with Petito. Michel summarized the vote was 4-3 in favor of scraping the snow banks this year and to revisit the question next year.

Petito moved and Mitchell seconded a motion to adopt the 2017-18 Snow Plan as amended. A roll call vote was taken with all voting, "Yes," except Ladoulis voted, "No."  
**Motion passed.**

## **2) Ordinance No. 33, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Section 8-1-30 to Modify Regulations Regarding the Use of Snowcats in Town.**

MacDonald reviewed the history behind the ordinance and the proposed changes to the Code through the ordinance. There was discussion around rubber tracked snow cats compared to what was used by the Nordic Center. MacDonald explained other clarifications the ordinance made to the Code. Michel reiterated concerns heard from the neighborhood resulting from the request by Eleven for the expanded time to 11PM.

Cathy Sporcich - 225 Whiterock

- Whiterock had a lot of traffic. Neighbors agreed to change the time that Eleven's snow cat could travel from the original time of 7PM to 9PM, and it worked well. 11PM was late.
- They could park their vehicle and transport guests by van late at night.

Christie Hicks - Representing the Nordic Center

- She suggested language for further differentiation between the Nordic Center operations and the operations of rubber tracked snow cats.

Jim Starr

- Agreed with Hicks on language explicitly naming the Nordic Council.

Schmidt had no problem keeping the allowed time at 9PM. Ladoulis would not like to see the time get to 11PM, and he suggested a compromise of 10PM. Merck thought 9PM was already good. Mitchell agreed with 9PM. Petito heard the snow cat was much louder than a bus. He suggested they keep the time at 9PM. Mason recalled the topic at past meetings. He thought it was working now. Michel recapped that the Council's desire was to keep the time at 9PM. Michel agreed with Hicks' proposed changes and with the administrative approval. Petito asked Green if she had concerns with Hicks' proposed language. Michel summarized what the Council had in front of them for the ordinance: the operating time for Eleven would remain at 9PM; the Town Manager would review permits administratively; and the addition of Hicks' wording, with suggested amendments from Green. Petito read the proposed wording with Green's suggestion, which was: The Nordic Center's snow cat will be allowed to operate on the route at any time provided that such operations are as short and infrequent as is practicable.

Schmidt moved and Merck seconded a motion to set Ordinance No. 33, Series 2017 for public hearing on November 20<sup>th</sup> with that verbiage that Jackson expressed and moving the hours of operation to be from 7AM to 9PM. **Motion passed.**

**3) Ordinance No. 34, Series 2017 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Unit I, Poverty Gulch Condominiums, Town of Crested Butte, County of Gunnison, State of Colorado to Douglas Collin for the Sale Price of \$110,525.00.**

Schmidt recused himself and left the room.

Yerman reviewed the history of the unit as summarized in his staff report.

Mason moved and Merck seconded a motion to set Ordinance No. 34, Series 2017 for public hearing on November 20<sup>th</sup>. **Motion passed.**

Schmidt returned to the meeting.

**4) Discussion of the Key Metrics Comparison, Brush Creek Proposal to Gunnison Valley Needs Assessment Presented by Michael Yerman.**

Yerman provided background on the agenda item and that the Council directed Staff to have Melanie Rees evaluate the Gatesco plan in relation to the 2016 Housing Needs Assessment. He stated the recommendation from Staff was to forward the Key Metrics Comparison report to the Gunnison County Planning Commission for their consideration during sketch plan. Michel expounded that they went to the author to determine if the Brush Creek proposal cured the ailments. They wanted to inform themselves and foster a rigorous discussion at the Planning Commission. Ladoulis asked Yerman if Rees was a

credible source. Yerman stated it was unfortunate Gatesco took the stance they did. He explained the reasons Rees was hired and was credible. Michel affirmed he had full respect for Rees. Schmidt thought the letter sent by Kendall Burgemeister on behalf of Gatesco was offensive. He hoped it didn't set the tenor of discussion with Gatesco in the future. Green recalled that Rees helped to develop affordable housing for the Town. She recommended that Rees be sent to the Planning Commission's meeting.

Yerman reviewed the details in the key findings that were listed in his staff report. The key findings were: 1) Comparison to total rental inventory; 2) Comparison to deed restricted inventory; 3) Rent Comparison; and 4) Comparison to projected rental needs in 2020.

Ladoulis moved and Petito seconded a motion to direct Town Staff to forward the Key Metrics Comparison report to the Gunnison County Planning Commission for their consideration. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**5) Resolution No. 65, Series 2017 - A Resolution of the Crested Butte Town Council Declaring Its Opposition to the Sale of the Brush Creek Parcel ("The Parking Lot Parcel").**

Ladoulis explained the contents of the resolution were meant to object to the completion of the sale and resulting transfer of title of the parcel. The resolution stated that the Town objected to the title being conveyed without honoring the original spirit of the MOA. He reviewed reasons he believed they should pass the resolution. He suggested they reference the index number of the recorded MOA within the resolution and then record the resolution. Michel recalled language alluding to litigation that had been removed from the prior version of the resolution. Mitchell recognized Ladoulis was trying to protect Town and that the County was already angry.

Michel took comments from the public.

Jim Starr

- He asked what the Staff recommendation was. Michel read the recommendation from the staff report.

Michel shared thoughts he had heard around the community related to other issues, and the relations between the Town and the County. He didn't want to jeopardize the Town working with partners at the County. He preferred to go with the Staff's recommendation.

David Leinsdorf - 3 Treasury Hill Rd - Present as a citizen

- He had never known this board or any board to conflate one issue with another. He didn't think it would happen.
- The County was ignoring the plain meaning of the agreement.

- Mentioned implications of including the reception number from recording the MOA within the resolution.
- The Town needed to stand up for citizens of the Town.

Robert McCarter - 1251 Skyland Drive

- The letter from Gatesco was a personification of how Gunnison County treated the Town on this matter.
- Everyone was against this.
- The resolution gave Town a seat at the table.

Bob Pannier - 557 Larkspur Loop

- The entities were partners in the deal.
- The Council was elected to act in the best interest of people in the valley.
- They needed to do something tonight.

Tracy Smith

- He talked to Mr. Gates and suggested a Plan B.
- He told Gates to help out with affordable housing.
- Put the brakes on.

Jim Starr

- He was concerned about the future of affordable housing in this valley.
- There needed to be a regional solution.
- He was tired of hearing attacks.
- The people who paid taxes in Town voted for the Council. He told them to represent their constituents.
- They needed to work together.
- Urged Council to follow the Staff recommendation.

Joni Windsor - 208 3<sup>rd</sup> Street

- She disagreed with Starr.
- They were saying to slow down.

Michel acknowledged he represented the Town of Crested Butte. They were hearing from people from all over the north end of the valley. Petito questioned the likelihood of the transfer before the 20<sup>th</sup>. Green told the Council that the front-end deed restrictions had not been drafted. Petito questioned title concerns brought forth by Leinsdorf. Green said a title company would look at it and would write an exception to the title coverage. Schmidt questioned the accuracy of the title of the resolution with the content of the resolution. Michel thought reassessing was the best course of action. Ladoulis was not looking to create additional conflict with the County. Mason identified the inception and the evolution of the resolution. He was not in favor of the resolution. Merck agreed with Mason. Merck elaborated that he didn't think the County would hold one issue in tie with another. Merck wanted to go with the recommendation from the Staff. Mitchell agreed with Merck.

Schmidt questioned if it had to be a unanimous vote of all parties in the MOA to change any use of the land. Green read language regarding uses of the property from the MOA. He thought it was important to continue to work with the County. They needed to shape the decision going down the line. This issue had to be about the future of housing and how they could affect it most positively. Petito was more worried about what they could do to make the County start working with Town. They wouldn't damage a cooperative environment because it wasn't cooperative.

Schmidt moved and Merck seconded a motion to postpone consideration of Resolution 2017-65 until such time as the Council directs it be brought back for discussion in the future. A roll call vote was taken with all voting, "Yes," except Petito voted, "No."

**Motion passed.**

**6) Resolution No. 67, Series 2017 - A Resolution of the Crested Butte Town Council Setting the Date for a Run-Off Election if Such Election is Necessary; Determining That the Election is to be Conducted as a Mail Ballot Election Under the Municipal Election Code; Designating the Town Clerk as the Designated Election Official; and Giving Authority to Hire Election Judges.**

Stanford explained the reason for the resolution and the run-off election. Michel surmised the resolution was a housekeeping item.

Petito moved and Merck seconded a motion to approve Resolution No. 67, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

## **LEGAL MATTERS**

None

## **COUNCIL REPORTS AND COMMITTEE UPDATES**

Paul Merck

- Reported on the Creative Arts District. There was a mentorship program to match students with professional artists. He mentioned a Film Fest lounge as part of the Film Fest.
- The Creative Arts District awarded a grant to research art history.
- The Center would provide an update to the Council on December 4<sup>th</sup>.

Laura Mitchell

- Attended a Chamber meeting.
- Mountain Express ridership was up 13%. They were getting three new busses and applying for a grant for new shop vehicles
- Went to Scenic Byway meeting. She mentioned that they were working to reopen the Castle in Red Stone, and she met the people from the corner of Kebler.

Roland Mason

- Mountain Express gave CBMBA a bus and the other they tried to give to the Fire Department for training.

Glenn Michel

- The Mayor/Managers meeting was cancelled because no one chose to attend. He encouraged the future mayor to cultivate relationships.
- RTA meeting would be on Friday.

Chris Ladoulis

- Thanked the Council.

Jackson Petito

- Housing Foundation meeting would be on the 18<sup>th</sup>. Ballot issue 2A was important. There were opportunities for land north of Gunnison. Suggested future discussion on tiny houses.
- Commended Michel on how he ran meetings.

Jim Schmidt

- They cleaned up Baxter Gulch, Avalanche Park, Town Ranch, and the Woods Walk as part of Paradise Clean-up Day.

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

Michel asked the Council if they wanted to direct Staff to set up a meeting with Gatesco. The Council affirmed.

Mitchell and Petito thanked everyone on the Council.

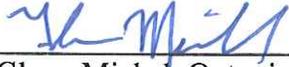
### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, November 20, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 4, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 18, 2017 - 6:00PM Work Session - 7:00PM Regular Council

Michel confirmed there would be a quorum for the meeting on November 20<sup>th</sup>.

ADJOURNMENT

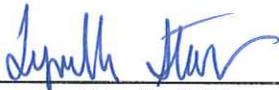
Mayor Michel adjourned the meeting at 10:18PM.



\_\_\_\_\_  
Glenn Michel, Outgoing Mayor



\_\_\_\_\_  
Jackson Petito, Acting Mayor



\_\_\_\_\_  
Lynelle Stanford, Town Clerk

(SEAL)

