

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, November 19, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:00PM.

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

Staff Present: Town Manager Dara MacDonald, Town Attorney Jo Seavy, Community Development Director Michael Yerman, Chief Marshal Mike Reily, and Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

MacDonald added a second Executive Session to the end of the meeting for the reason of legal advice for ADU litigation. She did not expect action on the matter.

Merck moved and Dujardin 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) **November 5, 2018 Regular Town Council Meeting Minutes.**
- 2) **November 6, 2018 Special Town Council Meeting Minutes.**
- 3) **November 12, 2018 Special Town Council Meeting Minutes.**
- 4) **Town Council Regular Meeting Schedule for 2019.**

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.**

PROCLAMATION DECLARING DECEMBER 18, 2018 AS INTERNATIONAL DAY OF THE MIGRANT

Schmidt read the proclamation, and Ellen Pedersen acting as an interpreter, echoed Schmidt. Marketa Zubkova accepted the proclamation and invited the Council to a celebration for International Day of the Migrant on December 15th.

PUBLIC COMMENT

Skip Berkshire - 29 Butte Ave

- He thanked the Council and the Staff for the great job they were doing on behalf of the citizens.

STAFF UPDATES

Schmidt asked Mike McBride, from Gunnison County Electric Association, about an electric car for police, and McBride offered the use of theirs for the Marshals to try.

MacDonald questioned the Council on whether they wanted to discuss ARTumn at an upcoming meeting. Cowherd affirmed she should schedule for a future agenda. Secondly, MacDonald asked if the Council wanted to discuss events proposed by The Center for the Arts for July, one in Town Park and one that would close Elk Avenue. She added that the Chamber requested road closures in January for Fat Bike Worlds. Schmidt suggested they discuss The Center's events in January. There was a discussion on how to approach deliberations on various proposed events. Schmidt reiterated it was worth talking about events for July in January. Dujardin clarified they wanted a bigger conversation about events in July. MacDonald asked if they wanted to talk about specific events or have a larger conversation. The Council decided to schedule a future agenda item for a meeting in January to discuss the two events proposed by The Center.

Petito asked for an update on the meeting regarding formula businesses. Yerman stated no one spoke in favor of formula based businesses, and they were waiting for a legal opinion before the BOZAR meeting.

Reily responded to Petito, recounting how it had been going with the new winter parking regulations.

OLD BUSINESS

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

The Council determined they would meet jointly with Mt. Crested Butte on December 3rd during the work session. MacDonald reviewed updates to the letter since the last meeting. Dujardin thought (setting aside) five acres was limiting to the developer. Dujardin wanted Gatesco to have a chance to respond to the points. Schmidt acknowledged that Todd Barnes thought Gatesco should be included in the next meeting. Schmidt said they should also include Tim Baker from CBMR. Cowherd stated it was important to define what was valued for the community. He wanted to elaborate on various points that he had been working to develop and would get out to Council. Dujardin would rather they come with a plan for the five acres. Merck liked the points and questions they asked, but if they were trying to find work force housing, they had to think of things that could be impactful. Dujardin would prefer they worked through and lowered the five-acre number, rather than handicap this project. Schmidt disagreed on what was reasonable. Petito identified changes to language in the letter. Schmidt said they needed to talk about the percentage of affordable units. MacDonald would bring information forward to the next meeting. Cowherd's points that he was developing

would be added to Haver's and Dujardin's letters, keeping the existing letter as a separate document. MacDonald said more consideration was needed on the entity established to protect tenants from unfair treatment. There was discussion on enforcement. Schmidt asked for examples of tenant resolution boards in other places and Petito agreed to research.

George Gibson

- He was concerned with the turnover of the land and the timeline for turnover.
- Water and wastewater issues could take years to resolve.
- It was important to get clarification on what they would be voting on, how the land would be transferred, and commitments that would be placed on the land.

NEW BUSINESS

1) Crested Butte Emergency Services Building Projects - Basis of Design Update.

Reily introduced Sean Caffrey from the Fire Department. Reily reported on the inception of the project. He explained the concept that Fire/EMS and Search and Rescue would be relocated to a parcel in the annexation, and the Marshal's Office would take over Fire Station 1. Reily showed a slide with basis of design work, including collaboration with architects and slides with illustrations of potential buildings and average cost estimates. Reily outlined the next steps, the first one being drafting a MOU with CBFPD and CBSAR. Schmidt questioned details on diagrams depicted on the slides. MacDonald recognized the Marshals were underserved by current facilities. Yerman agreed that the plan made sense. MacDonald reviewed the next steps, and she confirmed the MOU would sketch out the intentions.

2) 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.

Schmidt read the title of the ordinance. Yerman stated they were seeing buildings older than 50 years old that were not contributing to historical significance. This ordinance allowed properties to go in front of BOZAR to be declassified as historical. The ordinance also strengthened the demolition requirements by ensuring building materials were recycled or reused. Cowherd liked that a person had to have a plan in place before demolition, but he also recognized it as a potential loophole. Yerman and MacDonald identified fees, deposits, and process that would act as enforcement. The Council discussed the concern of a building being scraped and the property left as vacant or with the possibility of a new owner. Yerman would work to have the ordinance amended in order to close the loophole that was identified. He asked the Council to set the ordinance to public hearing on December 17th.

Mitchell moved and Merck seconded a motion to set Ordinance No. 26, Series 2018 to a public hearing on December 17th, 2018. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 27, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Amendment of Land Use Conditions and Restrictive Covenants.

Yerman explained that the applicant was unable to sell the penthouse on Elk Avenue. The property received approval to become a tax-generating parcel for the Town as a hotel. Schmidt confirmed it would be a four-unit hotel with an office. He questioned if there was space for parking. He thought the property owner should be required to keep the alley open related to snow removal. The Council agreed it should be explicit in the ordinance. MacDonald specified wording and that within the restrictive covenant it could be stated that access to parking spaces must be maintained year around. The discussion turned to the kitchen, and Yerman confirmed the intent of the restrictions. MacDonald agreed the language could be cleaned-up.

Mitchell moved and Dujardin seconded a motion to set Ordinance No. 27, Series 2018 to a public hearing on December 3rd, 2018 with the modifications discussed. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Jackson Petito

- The Housing Foundation was disappointed that 6A didn't pass. The Foundation was now more important than ever. The mission was still clear, and they would regroup.

Laura Mitchell

- They talked about Wild and Scenic Designation on the Crystal River at the Scenic Byways meeting. The Redstone Castle was now open.
- The Mountain Express bus drivers were happy to receive raises. A light was suggested for the Teocalli bus stop pick-up point (going up the mountain).

Paul Merck

- Attended a Center for the Arts board meeting. One of the big discussions was that The Center for the Arts and the School of Dance were working well together.
- Went to the opening and fundraiser for the new senior center in Gunnison.

Will Dujardin

- There was a win for CC4CA: Colorado's Air Quality Control Commission adopted low emission vehicle standards.

Kent Cowherd

- He mentioned the Creative District would have an unveiling of the latest public art project at the 3rd Street public restrooms. The Creative District was trying to define priorities and budgets to become sustainable. They toured The Center for the Arts building and looked at the outdoor space for a sculpture garden.

Jim Schmidt

- He went to a meeting in Carbondale that was mostly about the Crested Butte to Carbondale Trail.
- They had the joint elected officials meeting in Mt. Crested Butte.
- Attended the Chamber update. He felt the presentation format worked better.
- Schmidt, Cowherd, and Mitchell attended the meeting on formula businesses.
- Mentioned the wonderful parade last Friday.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Ashley UpChurch informed the Council of a change to the application for Fat Bike Worlds. They would be requesting road closures on Sunday morning of the same weekend, rather than Friday night.
- Schmidt acknowledged 7th Street was really hard to see when it was dark. He asked for reflectors, one on each side of the road.
- Dujardin was disappointed in the intergovernmental meeting. There was a brief discussion on how the agenda was planned. MacDonald would communicate with managers to plan another.
- Petit brought forth the email sent by Christie Hicks from Crested Butte Nordic, regarding Town's decision to cut \$6K for the grooming of Town Ranch.
- Cowherd wanted to discuss purchasing land in Town for future use.
- Mitchell asked for the timing to be adjusted on the blinking light in front of True Value on 6th Street.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, December 3, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, December 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, January 7, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt affirmed they would plan a joint meeting with Mt. Crested Butte at 5:30PM on December 3rd.

EXECUTIVE SESSION

Schmidt read the reasons for two Executive Sessions:

1) 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.

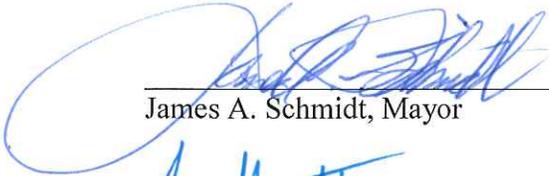
2) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e).

Dujardin moved and Merck seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes," except Cowherd who momentarily left the meeting and did not vote. **Motion passed unanimously.**

The Council went into Executive Session at 9:18PM. The Council returned to open meeting at 10:00PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:02PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

