

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, December 3, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:05PM.

Council Members Present: Chris Haver, Kent Cowherd, and Jackson Petito

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, Finance Director Rob Zillioux, Public Works Director Shea Earley, Community Development Director Michael Yerman, Town Planner Bob Nevins, Parks and Recreation Director Janna Hansen, and Town Clerk Lynelle Stanford (for part of the meeting)

APPROVAL OF AGENDA

Number three was struck from the Consent Agenda. There would be a discussion, with public comment, on the agenda for the next meeting.

Petito moved and Haver seconded a motion to approve the agenda as presented with the striking of #3 from the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) November 19, 2018 Regular Town Council Meeting Minutes.**
- 2) Adoption of Updated Personnel Handbook.**
- 3) Resolution No. 29, Series 2018 - A Resolution of the Crested Butte Town Council Approving the Replat of Block 76, Paradise Park Subdivision, Town of Crested Butte.**
- 4) Approval of the 2018 Arbor Day Proclamation and Tree City USA Application for Certification.**
- 5) Engagement Letter with Sullivan Green Seavy LLC for Town Attorney Services.**
- 6) Approval of Fall 2018 Grant Awards Funded by 2019 Budget.**

Petito moved and Haver seconded a motion to approve the Consent Agenda removing item #3. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

None

STAFF UPDATES

- Schmidt referred to the Staff Report from MacDonald in the packet.
- MacDonald pointed out there was a community forum to discuss Peanut Lake Road on December 6th.
- The crew would be painting lines on the ice rink on Wednesday.
- Schmidt asked about the ZEN training that was being organized by the Community Builders Taskforce. MacDonald explained the plan and intent of the training and that no additional funds were being requested for the program. Haver elaborated upon details of the ZEN training.
- Schmidt spoke with Mayor Gelwicks, and they agreed it was important to have an agenda for the next intergovernmental meeting.
- Yerman mentioned the housing class was full tonight.
- Schmidt extended best wishes to Dan Greene.
- Petito thanked Staff for their work on snow removal and for the transition in winter parking regulations.

PUBLIC HEARING

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

Schmidt read the title of the ordinance. Yerman confirmed the modifications brought forth at the previous meeting were made. Schmidt summarized background on the ordinance. Schmidt confirmed proper public notice had been given. No one from the public chose to comment.

Petito moved and Cowherd seconded a motion to approve Ordinance No. 27, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Resolution No. 26, Series 2018 - 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 2019, and Ending the Last Day of December 2019, Estimating the Amount of Money Necessary to be Derived from Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.

Zillioux explained the budget process started with a long-term planning session, and there were three subsequent work sessions in which the budget was discussed. He outlined changes made to the budget since the last time it was presented. Zillioux specified the amount of reserve funds being used. He reviewed primary assumptions concerning

revenue. He recommended Council move forward with the budget, and he would bring updates to revisit periodically throughout the year.

Schmidt recognized that funds to the community grant program had been reduced, and he explained priorities considered for the reward of grants. Zillioux reminded the Council of the pledge to the Long Lake project. Schmidt noted the retainer for Sullivan Green Seavy had been reduced. Petito questioned the funding that had been cut to the Nordic Center, and MacDonald explained the history behind it. Zillioux summarized the conversation he had with Executive Director Christie Hicks. Petito questioned, on behalf of a constituent, the reason Town was cutting the budget to parks, considering the passage of the sales tax increase. Zillioux identified the funds went into affordable housing this year. Schmidt confirmed proper public notice was given. He read the title of the resolution. There was no one from the public who commented.

Haver moved and Petito seconded a motion to approve Resolution No. 26, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

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

MacDonald informed the Council that there were two letters, one that had been the topic of ongoing discussion and one that had suggestions proposed by Cowherd. She confirmed the change to language suggested by Petito had been included. MacDonald reported that Cowherd did not change the substance of what the conditions were; he bolstered and further explained the requests. Schmidt had concern with #1, five acres of the site should be set aside. The feeling was that they were guessing on how much parking was needed. He thought they needed to reserve that amount of land either way. Schmidt began to review the points. No one disagreed with the number of five acres or the requirement of two parking spaces per unit. Cowherd said that work trailers should be allowed to park, and he mentioned the solution he saw in Vail.

Next, there was discussion on the density of fifteen units per acre. Nevins considered it to be the maximum density, and he confirmed it would fit, including the parking spaces. Haver was willing to go up to fifteen units per acre, but he would prefer it to be less dense. Schmidt moved the discussion to #4 in Cowherd's letter, regarding the requirement of the developer to prepare and submit a site plan for the Town's review. No one voiced disagreement with the point.

Then, Schmidt brought up the requirement of a pro forma. Haver thought it was Town's responsibility to review to know the investment would be worth it. He added that they needed a bus study. He wanted transit to be something they could plan out. Cowherd read from his letter, identifying what he wrote concerning transit. MacDonald suggested separating transit into an individual point in the letter. The Council discussed transit, and MacDonald reminded the Council of meetings they had with Mt. Crested Butte. They

decided to include transit as an additional point that they would discuss with Mt. Crested Butte.

Number six was the for sale component of the letter. MacDonald affirmed there were no changes to that particular point. They decided to present as is. Lastly, the Council discussed #7, regarding establishing an entity to address landlord/tenant disputes. Petito proposed the make-up of the committee that would form the board.

Schmidt asked for comments from the public:

George Gibson

- There needed to be awareness on how much ground had been given.
- He referred to memos that were being circulated.
- It would not be a city parking lot, and it needed to be protected out of sight.
- Density and working together were important issues.
- Cowherd thanked Gibson for reaching out to Mt. Crested Butte on Town's behalf.

The Council talked about scheduling the joint meeting with Mt. Crested Butte. Schmidt suggested they invite Tim Baker from CBMR and Gatesco to attend. Haver recommended that they invite the Housing Authority. There was discussion on the presentation of the letter for the joint meeting.

NEW BUSINESS

1) Resolution No. 27, Series 2018 - A Resolution of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2019.

Zillioux outlined increases to fees that were embedded in the budget. Staff recommended a fee of \$100 per block closed on Elk Avenue. Schmidt wondered if the fee would cause money to go around in circles. There was discussion around the fee being assessed per event or per day. Haver recommended the fee be per event, rather than per day. The Council agreed.

Petito moved and Haver seconded a motion to approve Resolution No. 27, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Resolution No. 28, Series 2018 - A Resolution of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2019, Beginning the First Day of January 2019 and Ending the Last Day of December 2019.

Schmidt confirmed Town was below what citizens approved for the mill levy in both the General Fund and Street Fund. Zillioux identified the bottom line was there had not been a change year over year. Schmidt read the title of the resolution. No one from the public wanted to comment.

Haver moved and Cowherd seconded a motion to approve Resolution No. 28, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Settlement and Release Agreement Resolving Any and All Claims and Issues Between the Town and Claimant Related to the Long-term Rental Covenant Asserted in Civil Action No. 2016CV30080.

MacDonald reviewed background on the agenda item and the litigation disputing the Town's ability to enforce covenants placed on the properties, requiring that a long-term rental be maintained on each. Council directed Staff to pursue the proposed settlement, which was \$275,000 for each property, \$550,000 total, to free the encumbrances.

Cowherd read from the press release provided in the packet. Schmidt stated they looked at the costs of comparable units in Town. He explained how they arrived at the settlement. Haver wanted to continue the agenda item until the next meeting in order to allow the full board to vote. Sullivan affirmed the Council could still set the ordinances to public hearing.

Haver moved and Cowherd seconded a motion to continue the item of the settlement and release agreement resolving any and all claims and issues between the Town and the claimant related to long-term rental covenants regarding civil action No 2016CV30080 until the next meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 28, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Land Use Conditions and Restrictive Covenants.

Schmidt read the title of the ordinance.

Petito moved and Haver seconded a motion to set Ordinance No. 28, Series 2018 for public hearing at the December 17th regular Town Council meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 29, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Release Of Land Use Conditions And Restrictive Covenants.

Schmidt read the title of the ordinance and affirmed that it was for the property at 225 Butte.

Petito moved and Haver seconded a motion to set Ordinance No. 29, Series 2018 for public hearing on December 17th. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Discussion on Crested Butte Community School 8th Street Realignment Project for 2019.

MacDonald told the Council that Staff had been working with the Community School to look for traffic circulation solutions around the campus. The Council had agreed to share the cost of a traffic study and engineering work to develop the Phase 2 plan.

Kevin Tone, from JVA Consulting Engineers, introduced himself. He explained the project consisted of three phases. The proposal for Phase 2 was to move the intersection of the parking lot to 8th Street, and the busses would move to the right of way past 8th Street. They were trying to get improved stacking on Red Lady further away from 135. The mayhem would be in the student parking lot. Tone reported on sidewalks that would be removed to discourage pedestrian traffic and encourage the use of the Safe Route to School along Belleview. There was discussion on the diagonal sidewalk behind Stepping Stones. Schmidt questioned the right turn lane and bus loop. Petito confirmed the increase in the number of parking spaces.

Yerman described the two options that were approved by CDOT for the intersection of Red Lady/135. Schmidt summarized changes that were being proposed. Yerman acknowledged that they could install a soft surface to cross 7th Street for special events, but usage would be discouraged during the school year. Cowherd did not think it made sense to remove the sidewalk due to summertime use.

Schmidt asked for comments from the public:

David Ochs - 801 Red Lady

- The Safe Routes had been working well so far.
- Phase 2 would be catastrophic to the character of the neighborhood.
- There should be a roundabout.
- Told the Council that they would not think it was Crested Butte during certain times of the day around the school.
- They should incorporate ways to get people out of their cars.

Chris Myall - 711 Red Lady

- He did not see how changing the intersection with 8th and the parking lot would address the problem.
- He questioned if they would determine the automobile as the priority, rather than walking and riding. The plan would not encourage youth to seek the alternative.
- The proposal still did not address the intersection at Red Lady/135.

Krista Hildebrandt - 813 Red Lady

- Parents allowed children to run between busses, no matter where the busses were parked. The existing turnaround worked better.
- They did not consider there were adults in the neighborhood that wanted to use the diagonal sidewalk.

Martha Gabel - 809 Red Lady

- She used the sidewalk behind Stepping Stones. She stated that there should be lights on the Safe Route to School on Belleview.

- It was a waste of money to widen the road.
- She said that the proposal was a band-aid and not a good solution.
- She suggested that Red Lady be a one-way street.

Fred Garing, who lives at 809 Red Lady Avenue, concurred with comments made by neighbors. Members of the neighborhood made suggestions for possible options. Multiple people mentioned a roundabout, and the discussion became focused on the roundabout. Haver questioned the idea of moving the busses to behind the school. Leslie Nichols, Superintendent of Schools, reported on bus alternatives that were considered. She responded to various ideas that had been proposed. Haver questioned the issue of the queue backing up into the parking lot and Tone responded. Haver then asked about the location of the office in the school and Nichols responded.

Nichols conveyed conversations that occurred at the school board meeting. MacDonald said the Council could continue the discussion. Nichols said they were asking for some cost sharing with the Town. MacDonald confirmed the Town included \$100K in the budget for next year. Tone stated that the Red Lady/135 intersection was a much bigger issue than changing the driveway. MacDonald would bring the topic back to the Council in January.

LEGAL MATTERS

Sullivan updated the Council. After mediation, Jacob With drafted a stipulation that would solve issues with the Heights Open Space. The concept was that Town would have access to open space to conduct avalanche mitigation. Access during the summer to the Ditch Trail and the Frisbee golf course would be maintained. The stipulation would essentially consist of three separate easements.

COUNCIL REPORTS AND COMMITTEE UPDATES

Chris Haver

- Attended the Community Builders Taskforce meeting. He reviewed details on the ZEN training and on topics they would be discussing. An outdoor accelerator program was funding grants.
- He mentioned a public meeting on the valley-wide housing plan on Wednesday at Tully's.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt referenced a letter from Ralph Landi in that he pointed out people were paying a year ahead for short-term rentals. Landi's concern was related to backing out after paying. Schmidt asked the Council if they wanted to consider changing, for example, to make the fee refundable. MacDonald recognized the expense incurred by the Town was made early on with inspections. The two-year license was in response to the property managers' concerns. The Council did not direct any action.

Petito communicated the idea proposed to him of periodic updates from a County Commissioner. The Council was agreeable to the idea. Schmidt thought it was an excellent idea and great concept.

Cowherd announced that he openly and knowingly broke the code of conduct by participating in a DRC meeting. He would be in front of BOZAR in February for a project he submitted.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, December 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, January 7, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, January 22, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt would talk to Mayor Barnes about a joint work session on December 17th. MacDonald reminded that discussion on the parking management plan was scheduled for the 17th. The Council learned that Mt. Crested Butte intended to meet jointly after their next meeting on the 18th. MacDonald would provide the letters to Mt. Crested Butte that Town had been developing.

EXECUTIVE SESSION

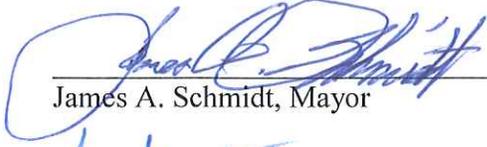
Schmidt read the reason for Executive Session: For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person 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.

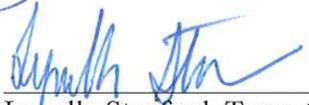
Petito moved and Haver seconded a motion to go into Executive Session for the purpose stated. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Council went into Executive Session at 10:37PM. The Council returned to open meeting at 10:47PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 10:49PM.


James A. Schmidt, Mayor


Lynelle Stanford, Town Clerk (SEAL)

