

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, March 18, 2019
Council Chambers, Crested Butte Town Hall

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

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

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

Community Development Director Michael Yerman, Town Planner Bob Nevins, Assistant Design Review Coordinator Jessie Earley, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, and Finance Director Rob Zillioux (for part of the meeting)

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) **March 4, 2019 Regular Town Council Meeting Minutes.**
- 2) **Black and White Ball Special Event Application and Special Event Liquor Permit for June 30, 2019 Closing 4th Street Between Elk Avenue and Maroon Avenue.**
- 3) **People's Fair Special Event Application for August 31 through September 1, 2019 Closing Elk Avenue from 2nd Street to 4th Street and 3rd Street from Alley to Alley.**
- 4) **Council Member Appointments to Boards and Committees.**
- 5) **Letter to the USFS on Comments to the Wild and Scenic Rivers Eligibility Report.**
- 6) **Update to the Paradise Park, Block 76 Lottery Procedures.**

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.**

PRESENTATION OF BOZAR PROJECT OF THE YEAR

Jessie Earley reviewed and described the projects, including multiple honorable mentions. Schmidt presented the awards.

PUBLIC COMMENT

John Wirsing - 115 9th Street

- Thanked the Council for putting the garbage receptacle back at the rec path bridge.

Kent Cowherd

- Provided feedback and recommendations related to the laundromat situation in Town.
- Recognized bad driving around Town and suggested police presence.
- Mentioned future items on the agenda. He encouraged discussion and implementation of the parking plan. He wanted the Council to discuss purchasing a unit with the ADU money. He thought it would be nice for the post office to be located off Elk Avenue.

STAFF UPDATES

- Schmidt referred to the staff report from MacDonald.
- MacDonald reported on the closure of Red Lady Avenue between 4th and 5th Streets, and she responded to a question from Petito wondering whether anyone requested that it not be closed.
- Petito asked if the water main break near Old Town Inn was a reoccurrence in the same or nearly the same location.
- The community-grant application process had been opened.
- Stanford responded to questions regarding the pole-vaulting special event.
- MacDonald confirmed the Slate River Working Group would present at a future work session.
- Hansen explained the process and identified the number of loads of snow that had been hauled.
- Dujardin asked about the next intergovernmental dinner.
- Schmidt extended condolences for the person who died in the roof slide in CB South and expressed appreciation for Alex Theaker's outcome.

PUBLIC HEARING

1) Ordinance No. 3, Series 2019 - An Ordinance of the Crested Butte Town Council Amending the Town Code to Amend Crested Butte Municipal Code Section 18-2-30 (6) Concerning Fire Suppression Requirements for Townhomes Under the International Residential Code.

Yerman recommended the Council deny the ordinance. Staff planned to install sprinkler systems and move forward. Schmidt confirmed proper public notice had been given, and he opened the public hearing.

Rob Geislinger - Regional Field Services Coordinator at the National Fire Sprinkler Association

- He had not seen a major fire loss in a building that was sprinklered.
- Sprinklers were becoming the standard of care in Colorado.
- Systems cost, but it was important to look at the cost and benefits together.

Marty Graves - 24 Castle Road in Mt. Crested Butte and reported to own property on Gothic and 8th in Town

- Asked the Council if they were more interested in saving money or lives.
- Cited statements made by Bywater in past meetings.
- She would be disappointed if the Council prioritized saving money versus saving lives.
- Recalled fires that occurred.
- She hoped the Council seriously considered the points of view reflected in the paper.
- Sprinklers saved lives.

Crockett Farnell - 201 Sopris

- He agreed with what he heard in the meeting.
- Affordable housing would not be viable if it was not built well.
- He provided an example of a fire in the house by the creek. He reminded the Council of the Crested Butte North building on the mountain.
- He encouraged the Council to take the advice of the professionals.

John Wirsing - 115 9th Street

- His concern was that new regulations added layers of cost.
- He wondered how many people had been killed in triplexes that had burned, and he didn't think there had been anyone. They would have a level of safety that no other triplexes had.
- He believed in what others were saying, but Town was making regulations that caused affordable housing to be unaffordable.

Rix Rixford - 708 West New York in Gunnison

- Put together a fact sheet for the Council, and he asked if anyone had any questions.
- Sprinklers were important.

Ric Ems - Crested Butte Fire Protection District

- They were getting into more engineered lumbers. Everything was becoming more synthetic.

Jim Starr - 323 Gothic

- He seconded the critical need for safety.

Schmidt closed the public hearing.

Haver stated that he pushed to discuss the sprinklers again. He explained his reasoning. Petito supported revisiting it, too. Schmidt wanted to see about not having to run a parallel water system. Dujardin was connected to both fires mentioned by Farnell.

Mitchell moved and Dujardin seconded a motion to deny Ordinance No. 3, Series 2019 the Code amendment for Section 18-2-30(6) concerning fire suppression requirements for townhomes under the International Residential Code. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Ordinance No. 8, Series 2019 - An Ordinance of the Crested Butte Town Council Adding Code Section 10-6-60 Prohibiting the Possession of Tobacco/Nicotine Products by Persons Under the Age of Eighteen to the General Offenses Section of the Crested Butte Municipal Code; And Providing Penalties for Violation Thereof.

Reily identified the main issue was there was no ordinance that prohibited kids under eighteen from possessing tobacco or vaping products. He believed the ordinance would be beneficial to the local kids. The idea was to make the parents aware and get kids into a cessation program. Schmidt confirmed proper public notice had been given. He opened the public hearing.

Andy Tyzzer - 14 Ruland Place in CB South

- His son attends Crested Butte Community School.
- He stated this ordinance was the wrong tool for a positive result.
- He asked an officer in Gunnison if there was a measure of efficacy in the program.
- He mentioned a comment made by Kari Commerford of GCSAPP regarding the effort in Gunnison, indicating that criminalization was not an effective tool.
- He asked why they would use law enforcement. Kids should take the two-hour block of education, and it should be put into the school system.
- He talked with people at City Market regarding marketing of tobacco products.

Kari Commerford - Director of GCSAPP

- It was agreed upon by the coalition that criminalization was not a good way to approach substances. This ordinance was not criminalization.
- She reviewed the process laid out by the ordinance.
- They would be working to bring awareness to where tobacco and nicotine products were being advertised.
- Tobacco use rates had gone down.

Students from the Crested Butte Community School: Havalin Haskell, Caroline Bryndal, Hope Freeman, and Sami Lakoski

- They wanted the ordinance to pass.
- Kids were not thinking of vaping as a real drug. Education was a big step in helping this issue.

- They wanted it to stop.
- Kids were vaping all day long. It was a big issue.
- Social media had a large influence.
- Dujardin asked them how they had been educated at school on this issue.

Joel Wisian - Serves on the School Accountability Committee

- They were in support of the ordinance.

Susan Tyzzer

- Did not want minors to have to experience criminalization.
- Parents needed to have conversations with their kids.

Havalin Haskell

- The ordinance was opening up the opportunity for parents to know their kids were vaping.

Caroline Bryndal

- Vaping led to kids using marijuana. The point was stopping it before it started.

Corey Bryndal

- Kids lived in a permissive culture.
- They had the opportunity to stop the issue early on.
- Invest in the kids.

Kari Commerford

- Elaborated upon stress, in responding to comments made by the Tyzzers.

Andy Tyzzer

- Agreed that they should do what they could. He suggested limiting the visual attractions.
- Protect children, not punish them.

Schmidt closed the public hearing. Reily clarified the idea was not to be punitive; it was about consequence management. Dujardin asked about a scenario of reporting from social media postings. Petito recognized the point was to protect kids from an addictive chemical that was actively being marketed, and he would like to see the intent reflected in the ordinance. Reily confirmed the Marshals enforced based on the Council's intent. Mitchell said it was well intended, but there would be unintended consequences. She thought the ordinance was an overreach.

Petito made a motion to approve Ordinance No. 8, Series 2019 with an amendment adding in the whereas clause the finding of the Town of Crested Butte the intent was not to expose minors to the criminal justice system but instead to refer them to education and cessation, which contemplated amendments throughout, to indicate the first offense would be eligible for a deferred prosecution. There was a detailed discussion around deferred sentencing and prosecution. Petito withdrew his motion.

Merck moved and Mitchell seconded a motion to continue Ordinance No. 8, Series 2019 to the April 1st meeting with the memorialization of the amendments suggested by Jackson. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 9, Series 2019 - An Ordinance of the Crested Butte Town Council Amending, Chapter 18, Article 2, Section 18-2-30 of the Town Code Related to Building Regulations.

Schmidt read the title of the ordinance. Yerman explained this ordinance cleaned up the Code. Schmidt confirmed proper public notice had been given. The public hearing was opened. No one from the public commented. Schmidt closed the public hearing.

Petito moved and Merck seconded a motion to approve Ordinance No. 9, Series 2019. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

NEW BUSINESS

1) Ordinance No. 10, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of Unit A (Located in the Upper Level of the Chamber of Commerce Visitors Center - A Town Owned Building) Located at 601 Elk Avenue to Nautilus Sailing, LLC.

Schmidt wondered who Nautilus Sailing was. Zillioux informed the Council they were a for profit company. He explained Town was offering a one-year lease, and he outlined the terms.

Mitchell moved and Haver seconded a motion to set Ordinance No. 10, Series 2019 to public hearing at the April 1st Council meeting. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

2) Ordinance No. 11, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Repeal of Section 4-2-90(b)(1) of the Town Code Concerning a Credit for the 1.5% Vendor’s Fee Against Taxes Due from Gross Sales.

Schmidt read the title of the ordinance. Zillioux explained the vendor fee. He reported that about one half of municipalities in Colorado eliminated the fee, and he recommended that Town eliminate the vendor fee. He was looking for ways to balance the budget. Haver outlined vendor fees and fines assessed by other entities, as well as other fees that businesses paid in Town. Dujardin said they needed to hear from the public.

Mitchell moved and Bradley seconded a motion to set Ordinance No. 11, Series 2019 to public hearing at the April 1st Council meeting. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

3) Ordinance No. 12, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Deed Restrictions on Block 77, Lot 3, Unit B Peeler Townhouses in the Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado Reception No. 543195 and Replacement with New Deed Restriction.

Schmidt read the title of the ordinance. Yerman explained the reason for the new deed restriction was that they were trying to assist a homeowner who wanted to refinance. Schmidt confirmed Town would have the first right of refusal with the new deed restriction. Yerman identified the deed restriction would be the same as the one applied in Block 76. Mitchell asked if the deed restriction would blanket the whole building or if it would cover just the unit.

Petito moved and Dujardin seconded a motion to set Ordinance No. 12, Series 2019 to public hearing at the April 1st meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Ordinance No. 13, Series 2019 - An Ordinance of the Crested Butte Town Council Deleting and Re-Codifying Chapter 16, Article 12 Condominiums and Townhouses, and Amending Chapter 17, Articles 1-General Provisions and Article 3-Major and Minor Subdivisions Generally.

Schmidt read the title of the ordinance. Nevins apologized for confusion around packet items. He explained the purposes of the ordinance. BOZAR reviewed and recommended the text amendments as presented by Staff. Schmidt asked for an example of what might happen and how the ordinance would change the situation. He questioned if it would make it easier for the Town or the applicant. Nevins explained what could be approved administratively with technical review. Yerman elaborated upon examples of what would be changed by the ordinance.

Mitchell moved and Dujardin seconded a motion to approve first reading and to set a public hearing date for second reading of Ordinance No. 13, Series 2019 on the April 1st meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

5) Ordinance No. 14, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 6, Block 79 Unit A, 914 Butte Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Joseph Carpenter and Katherine Cooke for the Sale Price of \$275,000.00.

Schmidt read the title of the ordinance. Carpenter thanked Council and Staff. He and Cooke felt lucky to own a home in Town.

Dujardin moved and Merck seconded a motion to set Ordinance No. 14, Series 2019 to a public hearing on April 1st. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Ordinance No. 15, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 6, Block 79 Unit B, 916 Butte Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Guy Ciulla for the Sale Price of \$275,000.00.

Schmidt read the title of the ordinance.

Bradley moved and Mitchell seconded a motion to set Ordinance No. 15, Series 2019 to a public hearing on April 1st. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

7) Ordinance No. 16, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 14, Block 79, Unit A, 909 Teocalli Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Elizabeth Philbin for the Sale Price of \$275,000.00.

Schmidt read the title of the ordinance.

Dujardin moved and Bradley seconded a motion to set Ordinance No. 16, Series 2019 to a public hearing on April 1st. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

8) Ordinance No. 17, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Sale of Town-Owned Property Legally Described as Lot 14, Block 79 Unit B, 911 Teocalli Avenue, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Chelsea Dalporto - McDowell for the Sale Price Of \$275,000.00.

Dalporto - McDowell extended her gratitude to the Council. She was grateful to be grounded in one place.

Petito moved and Haver seconded a motion to set Ordinance No. 17, Series 2019 to a public hearing on April 1st. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Jackson Petito

- He would be meeting with the Housing Foundation on Wednesday afternoon.

Laura Mitchell

- She had been trying to catch up on RTA.
- Mountain Express needed to start running a tweener bus. They would choose bus decorations soon. The Bartenders' Association asked for busses to run past midnight.

Paul Merck

- Went to STOR Committee meeting. He pointed out a letter in the packet regarding e bikes.
- Toured Avalanche Park. They looked at the trees in the area that had been affected by beetles. The stand was full of mistletoe. Schmidt asked questions regarding the mistletoe.
- Dujardin wanted to discuss e bikes. Sullivan offered to provide a memo with information on legislation. MacDonald affirmed the discussion could be scheduled for a future agenda. She explained restrictions were imposed per the easements.

Candice Bradley

- Attended the Hats Off to Public Art meeting. They discussed the sculpture garden. There was talk of doing a music garden, but there was concern about residential noise. Ideas for future public art pieces were thrown around.
- She would meet with The Center on Wednesday.

Will Dujardin

- He had meetings coming up with Mountain Express and the Upper Gunnison River Water Conservancy District.
- He reminded that Council adopted CC4CA's policy agenda. CC4CA wondered if Town would support advocating for better practices to deal with waste and recycling. He read the policies on which they were asking for Town's support. No one on the Council voiced objection.

Jim Schmidt

- Attended the mayor/managers meeting hosted by CBMR. They introduced their senior staff. They described their marketing as surgical. He asked them specifically about the summer.
- The hospital hired a suicide prevention specialist.
- He thanked everyone who helped him.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Haver mentioned upcoming training from the Community Foundation. He would forward information to anyone who was interested.

Petito asked about the timeline for discussion on the ADU settlement money.
MacDonald would arrange presentations on the deed restriction buy down program.
Schmidt wanted to discuss water service to homes that had sprinklers.

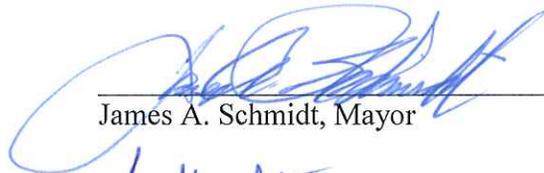
Dujardin would not be present at the meeting on April 8th.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

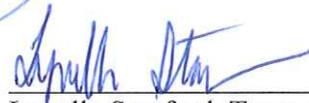
- Monday, April 1, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 8, 2019 - Planning Commission
- Monday, April 15, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, May 6, 2019 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 9:42PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk

(SEAL)

