

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, March 4, 2019**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:20PM.

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

Candice Bradley was appointed to the Council at the beginning of the meeting and voted on the motions starting with the approval of the agenda.

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, Community Development Director Michael Yerman, and Finance Director Rob Zillioux

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

**INTERVIEWS FOR COUNCIL MEMBER APPOINTMENT**

Schmidt explained there were three applicants for the Council member position. He asked each applicant to make a short presentation.

Candice Bradley introduced herself. She stated community values were important to her.

Kimbre Woods introduced herself. She thought there was a battle going on regarding Elk Avenue, and she expounded upon her reasons for wanting to serve on Council.

Dujardin questioned the candidates on their thoughts on the parking plan. Schmidt had the same question. Dujardin then asked the candidates their feelings on Brush Creek and the Council's affordable housing efforts outside of Brush Creek. The Council expressed appreciation to the candidates that were present.

**APPOINTMENT OF COUNCIL MEMBER**

Petito moved and Haver seconded a motion to appoint Candice Bradley as a Town Council member of the Town Council of Crested Butte. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**APPROVAL OF AGENDA**

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

## CONSENT AGENDA

### **1) February 19, 2019 Regular Town Council Meeting Minutes.**

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

## PUBLIC COMMENT

David Leinsdorf - Residence at 3 Treasury Hill Road and office at 215 Elk Avenue

- Commended the public works crews for their work with the challenging conditions this winter.
- He mentioned that they deserved a bonus.

Staci O'Hagan - Western Slope Fire

- Sprinkler systems were life safety.
- Fire sprinklers could control a fire to help make it safe for firefighters to enter.
- She provided the average cost of sprinkler systems.
- Recognized problems that occurred at Timbers and explained the reasons. The cost for failure was minimal.
- The systems saved lives.

Kent Cowherd - 901 Teocalli Avenue

- Encouraged the Council to onboard Bradley with information.
- He did not see the purchase of a unit on the list of future action items.
- He acknowledged the City of Gunnison would also be doing wastewater treatment plant upgrades.
- He suggested Council members observe BOZAR.

## STAFF UPDATES

- MacDonald pointed out in her staff report the Public Art Community Forum on March 6<sup>th</sup>.
- She mentioned the discussion on vendor fees, and she asked for direction under Other Business.
- Schmidt stated the streets were dicey but improved.
- There was a short discussion on snow storage on Ruth's Road. MacDonald informed the Council that this season was highlighting the loss of snow storage. Town was very, very tight on snow storage. Petito expressed his appreciation for the work being done.
- Dujardin asked about scheduling the next intergovernmental dinner.
- Hansen reported the situation with the doggy doo station at the Rec Path was being rectified.

## PUBLIC HEARING

**1) Ordinance No. 4, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Release of Deed Restrictions on Certain Properties in the Paradise Park Subdivision and Replacement with New Deed Restrictions.**

Schmidt confirmed proper public notice had been given. Yerman stated the ordinance changed the deed restrictions to allow for employee rentals. He reviewed the timing of the two phases of the project. Yerman reported that the guidelines would be updated. Schmidt opened the public hearing. No one chose to comment. The public hearing was closed.

Mitchell moved and Dujardin seconded a motion to approve Ordinance No. 4, Series 2019 amending the master deed restriction for Paradise Park. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Ordinance No. 5, Series 2019 - An Ordinance of the Crested Butte Town Council Authorizing the Transfer of Town-Owned Property Legally Described as Lots 1-6, Block 76 and Lot 10 Block 77, Paradise Park Subdivision, Town of Crested Butte, County of Gunnison, State of Colorado to Bywater, LLC for the Construction of Affordable Housing.**

Schmidt confirmed proper public notice had been given, and he read the title of the ordinance. Yerman stated the ordinance represented Phase 1 for the first seventeen units. He explained the reasoning behind the two phases. Schmidt asked Sullivan how the Town was protected, to which Sullivan responded. Schmidt opened the public hearing. No one from the public commented. The public hearing was closed.

Dujardin moved and Haver seconded a motion to approve Ordinance No. 5, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) Ordinance No. 7, Series 2019 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Property at Downstairs North Room of the "Old Town Hall" Located on Lot 1 and Part of Lot 2, Block 29 to Paragon Gallery.**

Zillioux told the Council the recommendation was to move forward with a lease with Paragon. The last lease expired in 2001. Town increased the rent to \$1,800 a year. Schmidt confirmed proper public notice had been given. The public hearing was opened. No one who was present chose to comment. The public hearing was closed.

Haver moved and Petito seconded a motion to approve Ordinance No. 7, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**NEW BUSINESS**

**1) Purchase Contract with Bywater for Town's Block 77, Lot 10 Duplex.**

Yerman outlined the structure of the contract. There was no further discussion amongst the Council.

Petito moved and Dujardin seconded a motion to approve the purchase contract for a duplex located on Lot 10, Block 77 for a sales price of \$600,000 and authorizing the Town Manager to execute the contract and any subsequent changes to be approved by the Town Attorney. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Resolution No. 4, Series 2019 - A Resolution of Town Council of the Town of Crested Butte, Colorado, Finding Substantial Compliance with Section 31-12-107(1), C.R.S.; Establishing a Date, Time and Place for a Public Hearing to Determine Compliance with Sections 31-2-104 and 31-12-105, C.R.S.; Authorizing Publication of Notice of Said Hearing; and Authorizing the Commencement of Zoning Procedures for Land in the Area Proposed to be Annexed.**

Yerman reported the resolution was the first official step in moving forward on the annexation. He reviewed the process required by the Statute, including the process specific to the public hearing. Staff was asking the Council to sit as the Planning Commission in a meeting on April 8<sup>th</sup>. The public hearing would be held at the meeting on April 15<sup>th</sup>. MacDonald identified the first step was simply accepting the application.

Mitchell moved and Dujardin seconded a motion to approve Resolution No. 4, Series 2019 finding the Slate River Annexation Petition to be in substantial compliance with State Statutes and setting a public hearing for April 15<sup>th</sup>, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**3) 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 reviewed the inception of the ordinance. He acknowledged that children younger than eighteen were allowed to possess tobacco products. GCSAPP found youth vaping rates had skyrocketed. The perception was that vaping was safe. Mitchell questioned if regulation was working in Gunnison. Reily believed they had rarely used it. He explained they would use a measured approach. Reily said juveniles would come to municipal court separately. There would be diversion methods available. Mitchell questioned enforcement on the Choice Pass related to nicotine products and eighteen year olds.

Haver moved and Dujardin seconded a motion to set Ordinance 2019-08 for public hearing on March 18<sup>th</sup>, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**4) 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.**

Yerman referred to the pictures embedded in the staff report that depicted eaves over property lines. Staff was proposing to allow the eave overhang, which would have a two hour fire rating and sheathing. Under the configuration, there was an agreement between owners that allowed for maintenance, such as painting. Schmidt confirmed the ordinance legalized something that had been allowed.

Dujardin moved and Petito seconded a motion to set Ordinance No. 9, Series 2019 amending Code Section 18-2-30 for eave requirements for townhomes under the International Residential Code to a public hearing on March 18<sup>th</sup>, 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**5) 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 reminded the Council of the background on the ordinance. He reviewed the changes to pricing related to the affordable housing build. He outlined the price ranges for sprinkler systems. MacDonald identified the total number added to the Bywater build. Yerman said the costs could go up on the eight-inch main waterline. The discussion became focused on the costs. Yerman received numbers from contractors, and he trusted them. Joel Wisian, from Bywater, said the issue was that each house had to have an individual sprinkler system. He elaborated upon other costs. Yerman said the ordinance would not apply to stacked units or condominiums. He stated the construction would be safe, and he reviewed safety measures that were being incorporated. MacDonald told the Council they made choices every day on cost and benefit. Schmidt understood that fire suppression was much better and safer. He voted to exempt triplexes, and he would continue that vote.

Rob Weisbaum - Spoke on behalf of the Fire Department

- They fully supported the Fire Code.
- He cited statistics related to the spread of fire and response times.
- Fire sprinklers really gave an advantage to life safety.

Merck asked if they cut life safety to make affordable housing happen, and if so, he was not on board. Petito was not comfortable with this change, but it should always be an ongoing conversation for ways to make housing more affordable. Dujardin concurred with Petito. Bradley did not think it was worth it. Haver was in favor of amending due to the price of sprinkler systems.

Mitchell moved and Haver seconded a motion to set Ordinance No. 3, Series 2019 amending Code Section 18-2-30(6) concerning fire suppression requirements for

townhomes under the International Residential Code to a public hearing on March 18<sup>th</sup>, 2019. A roll call vote was taken with Schmidt, Haver, Bradley, and Mitchell voting, “Yes,” and Dujardin, Merck, and Petitot voting, “No.” **Motion passed.**

#### **6) Adoption of Policy for Town Council Use of Social Media.**

Sullivan reported that Green put together the policy. They felt it was advisable for Council and Staff to have a social media policy. He explained the reasoning behind the policy. Mitchell mentioned freedom of speech and the desire to block someone. Sullivan specified the policy applied to public business, and they should avoid co-mingling personal and public social media. Schmidt asked Sullivan to identify the biggest abuses. Dujardin asked for examples of conducting public business on social media. MacDonald provided a solution for communication via an official email address.

Mitchell moved and Dujardin seconded a motion to approve the proposed Town of Crested Butte social media policy. A roll call vote was taken with all voting, “Yes.” **Motion passed unanimously.**

#### **7) Council Member Appointments to Boards and Committees.**

Cowherd’s appointments needed to be filled, and this was an opportunity for the Council to change appointments. Mitchell volunteered to serve on the RTA Board. Merck replaced Mitchell on the Tourism Association Advisory Board. Bradley was appointed to The Center for the Arts Board and the Creative District Commission. Schmidt would serve on Region 10. The Council would approve the appointments at the next meeting.

### **LEGAL MATTERS**

Sullivan had no major updates. He was working with Staff on a few noncompliance issues.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Candice Bradley

- She would attend The Center for the Arts meeting on Wednesday and an event on March 12<sup>th</sup>.

Will Dujardin

- He missed the intergovernmental dinner.
- He was unable to attend the QQ meeting. There was a mining bill going through the State House.

Laura Mitchell

- Mountain Express would have to consider a tweener bus on the weekends. They would approve the designs for the new painted busses.
- She would report back on West Elk Scenic Byways.

Jackson Petito

- The Housing Foundation had the strategic planning retreat. The Executive Director did a great job facilitating. He reviewed the top vote getters for their priorities, such as loans, grants to agencies, and land banking.

Chris Haver

- The One Valley Leadership Council had a follow-up meeting on the conference they had with the Zen consultants. They were trying to build the guiding principles.

Laura Mitchell

- Revisited the Scenic Byways minutes. The conversation was still on the Wild and Scenic designations.

Jim Schmidt

- The Cemetery Committee met last week.
- In Gunnison, they asked a lot of questions on housing and the STR ordinance.

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

Schmidt asked the Council if there was a place to put the home that the Council approved for demolition. Yerman knew of someone who was interested in the home, and he would follow up with her directly. He thought there was a potential lot Town could use.

Schmidt said that he and MacDonald would be going to CAST, and there was a mayor/managers meeting when they were away. He asked if anyone wanted to attend mayor/managers. Merck volunteered to attend.

Schmidt brought forth the topic of sales tax related to the vendor fee. Zillioux confirmed it was about 50/50, in Home Rule towns, those that had a vendor fee and those that did not. The fee had been around for quite some time. He reported that in trying to balance the budget and build back reserves, it was important to consider over time. He was an advocate for the fee. Haver shared his perspective as a business owner. He said the cash savings was a benefit to submitting sales tax on time. If they took away the incentive, they only had the stick. The Council directed an ordinance be prepared for the next meeting.

Schmidt asked about the ADU money. MacDonald stated they were waiting to determine the outcome of the sprinkler system discussion. Mitchell suggested setting aside money to assist with down payments in exchange for public service. Dujardin recommended a deed restriction buy-down program, similar to Vail's. MacDonald recognized Staff needed to catch up before taking on the buy-down program.

Dujardin suggested they discuss the situation that occurred between Schmidt and Matthew Birnie. Schmidt did not want to ask for an apology. Haver thought they were dealing with a struggle of how to communicate. The question was how to bridge the gap.

Schmidt acknowledged it had been up and down with the County, rather than long standing bad. Mitchell's ideas were not having Staff at the meetings and recording them. Merck thought they conducted themselves well. Mitchell commended Schmidt and Merck agreed. Petito recognized a forum would be a BOCC meeting. Dujardin asked the Council concerning the perception that Town was on an island at this end of the County. He said they should be aware of constituents that were not necessarily living in Town. MacDonald asked the Council if they wanted to formulate a response. The Council determined they would not take action.

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

- Monday, March 18, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 1, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, April 15, 2019 - 6:00PM Work Session - 7:00PM Regular Council

**EXECUTIVE SESSION**

Schmidt read the reason for the Executive Session:

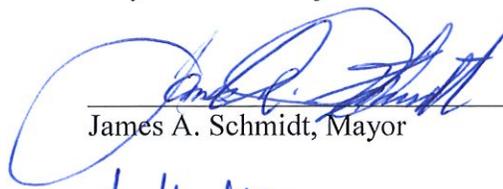
For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding possible land acquisition.

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

The Council went into the Executive Session at 10:24PM. The Council returned to open meeting at 10:55PM. Mayor Schmidt made the required announcement upon returning to open meeting.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 10:57PM.

  
James A. Schmidt, Mayor

  
Lynelle Stanford, Town Clerk (SEAL)

