

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, May 20, 2019**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:02PM.

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

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

Parks and Recreation Director Janna Hansen, Town Clerk Lynelle Stanford, Open Space/Creative District Coordinator Mel Yemma (for part of the meeting)

Schmidt summarized the discussion in the work session. He thanked those who volunteered for Town Clean-up, and he mentioned the ground breaking for Block 76.

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA**

- 1) **May 6, 2019 Regular Town Council Meeting Minutes.**
- 2) **Consultant Selection for Climate Action Plan.**
- 3) **Crested Butte Farmers Market Special Event Application Closing Elk Avenue, from 1<sup>st</sup> to 2<sup>nd</sup> Street, May 26<sup>th</sup> through October 6<sup>th</sup>, Except During Arts Festival in Which the Event will be Held at Big Mine.**
- 4) **Crested Butte Farmers Market - Evening Market Special Event Application for Thursday Evenings from July 11<sup>th</sup> to August 29<sup>th</sup> in Crank's Plaza.**
- 5) **Gunnison Car Show Breakfast Cruise Special Event Application Closing Elk Avenue on Sunday, August 18<sup>th</sup> from 2<sup>nd</sup> Street to 4<sup>th</sup> Street.**
- 6) **Resolution No. 7, Series 2019 - A Resolution of the Crested Butte Town Council Approving the Owen Minor Subdivision, East Half of Lot 26- Lot 30, Block 34, Town of Crested Butte.**

Schmidt removed item #5 from the Consent Agenda and added it as #2 to New Business.

Mitchell moved and Merck seconded a motion to approve the Consent Agenda with moving item #5 from Consent Agenda to New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### PUBLIC COMMENT

Leslie Nichols - Superintendent of the School District - Residence at 830 Belleview

- They had been working to renew the IGA between the Town and the School District.
- She wanted to share her thoughts related to the District's participation in the BOZAR process. They went through the process with the expansion in 2009. They were looking at possible expansion in the near future, and they would be placing a modular this summer.
- Moving forward they wanted the IGA to reflect the desire to work together closely.
- School districts were not bound by law to be regulated by local zoning authorities. She envisioned something different than what happened in 2009.
- Cost was a concern. The involvement in 2009 left a bad taste in the District's mouth. People had concerns about BOZAR involvement in their project.
- It was important to continue the relationship in a good and positive direction.

Kent Cowherd - 901 Teocalli Avenue

- He wanted to circle back and ask about the parking plan and a measurement of when a plan might be needed.
- He imagined there would be a tipping point this summer, particularly in the area of The Center for the Arts.
- He reminded the Council of the ADU settlement funds. He suggested they replace at least one unit.

### STAFF UPDATES

- Schmidt brought forth the meeting schedule pertaining to Alpenglöw. The meetings started at 7PM in past summers. Haver suggested they move the July 1<sup>st</sup> meeting to July 2<sup>nd</sup>. The Council agreed. The Council decided to keep June 17<sup>th</sup> as planned, with the work session at 5PM. The meeting would start at 7PM on July 15<sup>th</sup>, and there would not be a work session.

Haver moved and Mitchell seconded a motion to move the July 1<sup>st</sup> meeting to July 2<sup>nd</sup>. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

- The letter regarding the Post Office would be sent to Congressman Tipton.
- Schmidt acknowledged there would be a donation tube on the dumpster at the Four Way, and there would not be a dumpster at Washington Gulch. Haver initiated discussion on the location of the dumpster at the Four Way, and he asked if it was worth going back to STOR for funding the dumpster at Judd Falls. Merck agreed to bring up the dumpster to the STOR Committee.

- Cowherd asked about a fee tube for the electric vehicle charging station.
- Schmidt mentioned the intergovernmental meeting in Almont on the 29<sup>th</sup>. He asked who would attend. He was disappointed there was not an agenda. Dujardin agreed there should be planned discussion points. Haver thought the host could decide, but he appreciated an agenda.
- Schmidt mentioned the upcoming Town picnic.
- Stanford stated that the application for Bridges of the Butte would be on the June 17<sup>th</sup> agenda.

## **NEW BUSINESS**

### **1) Ordinance No. 23, Series 2019 - An Ordinance of the Crested Butte Town Council for an Amendment of Zoning Conditions and the Restrictive Covenant Agreement for 405 Fifth Street, Klinker Condominiums Unit #C, Town of Crested Butte.**

Yerman reviewed the make-up of the condominiums. New buyers wanted to expand into the garage bays, which was prohibited by the existing restrictive covenant. In exchange for being allowed to expand into the garages, the unit would be a primary residence or a long-term rental. Yerman explained the one outstanding issue with one property owner yet to agree.

Dujardin moved and Haver seconded a motion to set Ordinance No. 23, Series 2019 to a public hearing at the June 3<sup>rd</sup> meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **2) Gunnison Car Show Breakfast Cruise Special Event Application Closing Elk Avenue on Sunday, August 18<sup>th</sup> from 2<sup>nd</sup> Street to 4<sup>th</sup> Street.**

Schmidt questioned the fees charged to the event organizer. Stanford explained the event was charged \$200 in addition to what they were charged in past years. The \$200 reflected the fee new this year for closing two blocks of Elk Avenue.

Mitchell moved and Dujardin seconded a motion to approve the special event application for the Gunnison Car Show. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **3) Update and Possible Direction on the Creative District Restructuring.**

Yemma reported positive movement in the restructuring. She mentioned that the guidelines were included in the packet. Yemma expected a smooth transition with the staff member identified by The Center for the Creative District Commission. Furthermore, CCI was supportive of the restructuring.

Schmidt wondered if it would be a better structure that would identify permanent funding. Yerman explained The Center would open up the possibility for soliciting

donations. The Town would contribute funding for the (staff member) position for the first year.

Next, Staff would bring forward an ordinance for the restructuring, which would address a Public Art Commission that would fall under the Town. Dujardin questioned term limits and if they were needed. The Council directed Staff to bring forward the ordinance.

### **LEGAL MATTERS**

Sullivan referred to the summary of bills, included in the packet, passed by the Legislature that potentially had impacts on local government. Schmidt called attention to the posting of notices on the Internet. MacDonald stated Staff intended to continue to post at the three posting places in Town. Next, Schmidt recognized the bill on the regulation of electric scooters. Sullivan thought the electric scooter business model fit a larger urban area. Then, Schmidt brought up marijuana hospitality establishments. Dujardin recognized the ability of governments to impose a special tax on cigarettes, tobacco, and nicotine products. He suggested it could be a method to gain revenue. MacDonald would investigate what other towns had done. MacDonald mentioned the statutory limitation of municipalities to ban plastics. Dujardin recognized Green for her work on HB 19-1113. He stated CC4CA and QQ were active in what the Council believed to be important. MacDonald reported on the scope of work for the Coal Creek Watershed Coalition in the upcoming year.

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

Will Dujardin

- Went to the CBMBA five-year plan meeting.
- He had an interview in preparation for the upcoming Mountain Express retreat.
- He went on a tour of the Taylor Dam.
- He would be going to the Upper Gunnison River Conservancy District meeting tomorrow.
- He toured the water treatment plant and the wastewater treatment plant.
- Schmidt wondered if they were still considering a power plant on Taylor Dam.

Candice Bradley

- Went to The Center for the Arts meeting. She found out about dates for events. There would be ten Alpenglow concerts this year. They were looking for more September shows in the theatre. They would be going to BOZAR for signage. They voted to take on the Creative District. There would be a pre-donor reception in advance of July 1<sup>st</sup>.

Chris Haver

- Attended the Housing Authority meeting. They discussed the down payment assistance program.

Paul Merck

- Went to STOR Committee meeting. One goal was permanent funding for conservation. They polled high on a GOCO grant. They did a poll to look at needs for each trailhead.
- For TAPP, he went to a discussion and money sorting at the ICELab.
- Mentioned two kids, including his son, who had podium wins at the state track meet.

Laura Mitchell

- There were conversations at Mountain Express in which they discussed service past Midnight.
- Attended Town Clean-up, and it was cold.

Jackson Petito

- The Housing Foundation meeting was moved up, so he missed it. He stated it was a good board that spent money to make housing happen.

Jim Schmidt

- CBMBA had a meeting about their five-year plan. The Forest Service brought up the NEPA process for certain trails. CBMBA took Lupine Three off the plan.
- The Slate River Working Group had an open house at The Depot that was fairly well attended.
- He went to meetings on the Climate Action Plan in that they reviewed the applicants for the consultant.
- He congratulated the girls' soccer team.
- Schmidt questioned the scheduling of the meeting with Mt. CB.
- He had lunch with Erica Mueller and Tim Baker. There was a helicopter taking out lift towers. They still planned to open the Red Lady lift on June 8<sup>th</sup>. They were going to rebrand the bike park.

Will Dujardin

- Sat in at the Colorado Water Conservation Board. The drought contingency plan would have working groups for drought management reduction.
- He asked for an update on the housing lottery. MacDonald told him one was planned for the next meeting.

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

Petito read a letter to the Council regarding his resignation. He had to resign because his family would be moving out of Town to CB South. He provided observations, particularly regarding the commoditization of the community. People needed to be put ahead of businesses. He encouraged the Council to continue looking for solutions. It was okay to prioritize residents over second homeowners. He told them to be bold. Protect this place. Keep it funky. Schmidt and the other Council members thanked Petito for his service.

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

- Monday, June 3, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 17, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 1, 2019 - 6:00PM Work Session - 7:00PM Regular Council

**EXECUTIVE SESSION**

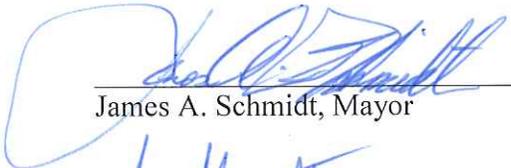
Schmidt read the reason for Executive Session: for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) that related to the school IGA.

Haver moved and Dujardin 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 Executive Session at 8:44PM. They returned to open meeting at 9:38PM. Mayor Schmidt made the required announcement upon returning to open meeting.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 9:40PM.

  
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James A. Schmidt, Mayor

  
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Lynelle Stanford, Town Clerk (SEAL)

