

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, June 5, 2017
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:01PM.

Council Members Present: Jim Schmidt, Jackson Petito, Chris Ladoulis, Roland Mason, Laura Mitchell, and Paul Merck

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

Town Clerk Lynelle Stanford, Parks and Recreation Director Janna Hansen, and Finance Director Lois Rozman (all for part of the meeting)

APPROVAL OF THE AGENDA

Schmidt moved and Merck 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 15, 2017 Regular Town Council Meeting Minutes.**
- 2) Paragon Peoples Fair Closing Elk Avenue from 2nd Street to 4th Street and 3rd Street Alley to Alley on September 2 and 3, 2017.**
- 3) Crested Butte Art Market Closing the 0 Block of Elk Avenue from 8AM to 4PM on Sundays from June 18 to July 30 and August 13 to 20, 2017.**
- 4) Alpenglöw Summer Concert Series in Town Park on Mondays Starting June 19 through August 14, 2017.**
- 5) Gunnison Car Show Breakfast Run Closing Elk Avenue from 2nd Street to 5th Street on August 20, 2017.**
- 6) Black and White Ball Closing 4th Street Between Elk Avenue and Maroon Avenue on July 2, 2017.**
- 7) Mavic Haute Route Rockies Affecting Whiterock Avenue from 1st Street to 6th Street and 6th Street from Whiterock Avenue to Butte Avenue on June 29, 2017.**
- 8) 2016 Audit.**

9) Resolution No. 29, Series 2017 - Resolutions of the Crested Butte Town Council Authorizing the Grant of a Revocable License to Cristiana LLC to Encroach into the Maroon Avenue Public Right of Way with Two Stone Columns Adjacent to the Lots 24-26, Block 54, Town of Crested Butte.

10) Resolution No. 30, Series 2017 - Resolutions of the Crested Butte Town Council Approving a Memorandum of Understanding with Gunnison County for the 2017 Weed Management Program Seasonal Employee.

11) Resolution No. 31, Series 2017 - Resolutions of the Crested Butte Town Council Approving a Professional Services Agreement with Mundus Bishop for Landscape Architectural, Park and Playground Design, and Related Services for the Town Park Playground Renovation Project.

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

PUBLIC COMMENT

Emma Coburn

- She informed the Council she was partnering with Living Journeys for a 5K race this fall.
- She introduced herself and hoped they would create an annual event to give back to the community.
- Michel questioned the course. Coburn specified the race would start and end at 3rd and Elk, and she elaborated with additional details. Joel Vosburg then described the proposed course.

Tricia Kubisiak - 142 Larkspur Loop

- The whole town was upset about the trees in the park being removed.
- She wanted the Town suspended from Tree City USA. She read requirements of being a Tree City USA.
- The public wanted to know who made the decision to cut the trees.
- Crested Butte needed to set a standard, so other communities didn't make the same mistakes.

Shelley Popke - Representing the Crested Butte Mountain Heritage Museum

- Invited all to the Black and White Ball.

Brian McCauley - 502 Elk Ave

- Wanted to bring attention to the speed sign on Elk Avenue. People would race past the sign creating noise, and his family would be awoken at night. He requested that the sign be moved.
- MacDonald would discuss its placement with Staff.

STAFF UPDATES

Lynelle Stanford

- She listed upcoming special events, including the ones that were approved on the Consent Agenda.
- August 8 - 28 would be the period in which candidates in the next election could circulate petitions.
- Had not heard back from the dispensary owner who requested a later closing time.
- There would be a weed pull at the cemetery on Saturday, June 10.

Lois Rozman

- She provided April sales tax numbers, which were up 16%.
- Spring grant cycle applications were due May 31.
- Thanked the Council for approving the audit on Consent Agenda.
- She was working on property casualty and workman's comp renewals. An appraiser hired by CIRSA would look at all Town-owned buildings.

Janna Hansen

- This was the last week of spring youth sports.
- Softball would start this week.
- Flowers had arrived, and more benches and bike racks would be coming out.

Michael Yerman

- He attended a CDOT meeting with Schmidt. CDOT would pick up the planning process for STIP.
- BOZAR would have a special meeting on Sixth Street Station.

Dara MacDonald

- There was an initiative at the County to reinvigorate the program for energy efficiency rebates. They wanted to present to the Council, and there would be a funding request for 2018. Michel voiced agreement to include on a future agenda.
- The existing cable franchise agreement expired. The effort to renew had been kicked off.
- She had been meeting with Region 10 on broadband, and they had discussed the budget to implement.
- Thanked Staff for their work on the party for Bob Gillie.
- She mentioned she would have a budget for the Council for the Town picnic.
- They had their initial meeting on the implementation of STR Helper.

Michel introduced, John Sullivan, who was present from the firm that would be appointed as Interim Town Attorney later in the meeting by resolution.

PUBLIC HEARING

1) Ordinance No. 6, Series 2017 - An Ordinance of the Crested Butte Town Council Amending the Definition of Vacation Rental in Section 16-1-20 of the Crested Butte Municipal Code; Amending Section 16-14-90 of the Code to Include Regulations for Vacation Rentals; and Making Such Other Conforming Changes to the Code in Connection Therewith.

Michel read the title of the ordinance. He recused himself and left the room. Mitchell also recused herself and left the room. Mayor Pro Tem Mason took the Mayor's seat.

Mason explained the history of the agenda topic as well as discussion from the last meeting. He described what were known as the green and white zones. Yerman outlined the implications of the R1D and R1E zones, and he expounded that it would not have a major effect on the overall numbers to add them (to the green zone). The larger unknown was related to primary residences because they didn't know how many primary residents would pursue an unlimited license. Yerman explained the fees and cost associated, primary residence definition, and the 60-day limitation. He added that the grandfathering was included in the ordinance. A license would not automatically transfer, and a resident would have to re-apply for the license if the transaction were subject to the RETT. Schmidt favored keeping the R1D and R1E zones in the green zone. There was discussion on calculating the percentage limitation and how the percentage would be affected by the primary residence piece.

Mason confirmed proper public notice had been given. He opened the meeting to public comment.

Diana Graves - 718 9th Street

- She thanked the Council for dealing with the STR issue.
- She recognized the Verzuh Ranch was under consideration to move into the green zone. She wondered where they were now. Mason explained the R1D and R1E zones were in the Verzuh.
- The feel of the neighborhood was family. She was not expecting there to be commercial enterprises when they purchased their home. She preferred not to see it. She wanted the sense of neighborhood maintained.

Liz Sawyer - Spoke on behalf of Caren and Todd Carroll

- There were STRs since 2005, when they moved into Town.
- Their experiences had been positive.
- Verzuh should be zoned the same as the rest of Town.
- They preferred STRs to having a dark neighborhood.

Liz Sawyer - 810 Sopris

- She wanted R1D and R1E zones to be in the green zone.
- She questioned if someone could hold onto a license without using it. Yerman said that a person would have to utilize the license.

- She sought clarification on primary residence.

Charlie Slater - 419 5th Street

- He questioned the history and problems they were trying to solve.
- It was hard to come up with a solution if they hadn't identified the problem.
- Told the Council to solve the right problem, and he hoped they didn't create more problems.

Menon Billingsley - 830 Elk Avenue

- STRs did not affect her family in an adverse way.
- Preferred light over darkness (in the windows).
- Didn't think they would be told what to do with their property.
- She was in favor of treating her part of Town the same as any part of Town.

Steve Ryan - 75 Escalante

- The original intent of R1E and R1D was to be included in the licensing. He thought they should be brought back in with the spirit of the zoning.

Charlie Slater

- His home was his primary investment.

The public hearing was closed, and it was opened to Council discussion.

Merck had a hard time restricting a person's property rights. He appreciated input from the public. Schmidt countered there were people who bought their properties as residential and not in commercial areas. He still wanted to expand R1D and R1E into the green zone, and he was comfortable with 30% and the 60 day limitation for primary residents. Petito agreed with adding R1D and R1E to the green zone. He was in favor of a lower percentage cap. Ladoulis listed problems he identified, including dark houses and density of short-term rentals. His issue was the cap in the green zone versus the cap in the white zone; one affected the other. The Council discussed grandfathering in the white zone. Ladoulis stated that grandfathering was okay in the white zone. Merck agreed with Ladoulis, regarding relaxing the 60-day limitation from the primary residence. Merck disagreed that they couldn't impose greater restrictions legally. He thought more restrictions would affect lower income people. Schmidt saw the ordinance as a compromise.

Schmidt moved to approve Ordinance No. 6, Series 2017 with the amendment of including R1D and R1E in the green zone. Motion died due to lack of second.

Mason was comfortable with 30%, expanding R1D and R1E, and 60 days. There was discussion on the limitation on days on primary residences. Yerman explained implementation from the Staff perspective.

Schmidt restated his previous motion to approve Ordinance No. 6, Series 2017 with the amendment of including R1D and R1E in the green zone. The motion was seconded by

Petito. A roll call vote was taken with Mason, Petito, and Schmidt voting, "Yes," and Merck and Ladoulis voted, "No." **Motion passed.**

NEW BUSINESS

Mitchell and Michel returned to the meeting. Michel re-assumed the Mayor's seat.

1) Presentation and Request for Support by Dave Ochs, Executive Director of Crested Butte Mountain Bike Association (CBMBA), on the Backcountry Revival and Trail Care Crew.

Dave Ochs presented to the Council. He explained that the conservation crew was on the ground and working. Crested Butte's strength was the backyard. This was an opportunity to do something. He explained why CBMBA took this on including the reason that conservation was important to them. He read the mission and purpose. Ochs showed a slide with pictures of resource damage and trash and a slide with before and after work pictures of different trails. Another slide reflected a list of everything they planned on doing, and he outlined the work they intended to do. They would work on all trails, and not just bike trails. Ochs stated they needed support and help. This group was not regulatory, but they would educate. Ochs said they would be collecting data to report back to the Council. Michel asked if anyone was present to speak against it, and there was no one who voiced disagreement.

Next, Ochs requested \$20K from Town. He reviewed other partners. Michel identified the Town of Crested Butte's obligation to support. Mitchell supported the request. Mason asked where the \$20K would come from. He recognized it was a priority of the Council. He also wanted to know how they would consider going forward. MacDonald acknowledged they capped community grants at \$5K. Staff was comfortable recommending the funding, and it would come from reserves in the General Fund. MacDonald thought it was a much-needed effort in the community. Staff wanted to make sure they came back in the fall to understand the impacts. Michel acknowledged that this year the money would come from reserves, but he questioned if there was a plan to make it sustainable. Ochs agreed there was work to do in looking to the future. They intended to pursue private funding. Ladoulis thought it was a great idea. He wanted to see it become a part of how the surroundings were curated. Schmidt was concerned about funding for the future. He cited his experience in raising funds for the Public Policy Forum. Petito agreed he was in favor of supporting. There was a brief discussion on the amount, and it was decided to contribute \$21K.

Schmidt moved and Merck seconded a motion to donate/pledge \$21K to the CBCC Backcountry Conservation Core from the General Fund. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Resolution No. 33, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Engagement of Sullivan Green Seavy LLC as the Interim Town Attorney.

Schmidt questioned if Sullivan would attend meetings. Sullivan said he could either attend regularly or attend as needed. Schmidt asked about the travel rate. Sullivan stated they were flexible. He generally didn't bill clients both ways with travel. Merck questioned the communication between Council and the attorney. MacDonald acknowledged going through Staff was helpful, and Sullivan was open to taking questions directly from Council.

Schmidt moved and Merck seconded a motion to approve Resolution No. 33, Series 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

3) Ordinance No. 15, Series 2017 - An Ordinance of the Crested Butte Town Council Raising the Payment of Compensation to Members of the Town Council and the Mayor.

Schmidt recalled the increase was discussed at the retreat. He confirmed that the ordinance raised the pay for everyone by \$100. Michel affirmed the raise went into effect after the election season for future council members.

Merck moved and Petito seconded a motion to set Ordinance No. 15, Series 2017 for public hearing on June 19, 2017. **Motion passed.**

LEGAL MATTERS

Schmidt asked if there were any meetings scheduled regarding Mt. Emmons. MacDonald said they were trying to schedule one, possibly in July. Sullivan said it was the best possible outcome with rule making. There were no outstanding issues; it had all been agreed upon. The rule making hearing was in June in Durango. MacDonald concurred that the parties agreed on the standards going forward.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Jim Schmidt

- He went to Montrose for the CDOT meeting. They put off work for another year through Blue Creek through the canyon. There was a presentation on avalanches throughout the state.
- 59-63 miners died in the Jokerville Mine, including boys. The victims were buried in a mass grave. The Cemetery Committee wanted to memorialize them, and they were putting a fence around the site. The bids for the fence were coming in much higher than what was budgeted. He asked the Council to consider a budget amendment approving an increase up to \$12-13K. MacDonald suggested it be added to a future agenda, and it was decided to include on the next agenda.

Jackson Petito

- The Housing Foundation offered a candidate the Executive Director position.

- They had a discussion on how involved to be in the campaign for the new lodging tax that would be set aside for affordable housing.

Roland Mason

- He attended a Mountain Express meeting. Bus service to Gothic would start June 12.
- They had a new, small bus painted.
- They had six new busses coming in the next year and a half.
- The 20-minute bus service around Town would start on the 10th.

Laura Mitchell

- Attended the Mountain Express and the Chamber meetings.
- The Chamber hired a special events coordinator, and they ran about \$15K in the red regarding their income and expenses.

Paul Merck

- Attended the groundbreaking at the Center for the Arts.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Michel mentioned the trees at the Center for the Arts. He was sorry there was stress over the removal and the speed in which they were removed. He stated that Town would double the amount of trees with new trees. There would be a memorial created with the plaque that was removed. Merck thought they owed an apology, and they should look into doing something. Petito asked if it was promised that the trees would be transplanted. MacDonald stated that the landscape plan was part of the public discussion. They were advised the trees would have little chance of success to be transplanted. Mason said the first lesson was at the Pita lot. It was important there was advance warning and sensitivity. Ladoulis said they should own up. Michel said he should have known it when he thought about it.

Mitchell wanted to see the graffiti on the Gronk cleaned up. Ladoulis knew it was privately owned. There was no direction to move forward.

Petito brought forth that a citizen read the Town Code, and there was concern there was no restriction on a 10-foot wall between property lines. MacDonald said there were rules around fences.

Schmidt had no problems with extending the hours for dispensaries. He wanted to direct the Clerk to contact all of the dispensaries. Michel recalled the notion was they were mom and pop, and they didn't want to create unfair competition. No one on the Council voiced disagreement with Schmidt.

Michel attended a summit for climate change for mayors. He mentioned the Compact of Colorado Communities, and he read the pledge. He suggested they schedule a work session to re-engage their energy action plan. Michel asked the Council to authorize him

to sign the Compact. No one voiced disagreement. Schmidt suggested they include GCEA in the work session.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, June 19, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 10, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 24, 2017 - 6:00PM Work Session - 7:00PM Regular Council

Michel would miss the next meeting, as would MacDonald.

EXECUTIVE SESSION

Michel read the reason for 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 water rights acquisition.

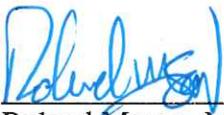
Schmidt moved and Mason seconded a motion to go into Executive Session. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

Attorney Scott Miller participated in the Executive Session via conference call.

The Council went into Executive Session at 9:59PM. Council returned to open meeting at 10:27PM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:28PM.



Roland Mason, Mayor Pro Tem



Lynelle Stanford, Town Clerk

(SEAL)

