

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, August 2, 2016
Council Chambers, Crested Butte Town Hall

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

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

Staff Present: Interim Town Manager Bill Crank, Town Attorney John Belkin, Town Planner Michael Yerman, and Public Works Director Rodney Due

Building and Zoning Director Bob Gillie, Town Clerk Lynelle Stanford, and Finance Director Lois Rozman (all for part of the meeting)

APPROVAL OF THE AGENDA

Stanford stated that item #1 under New Business needed to be removed.

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

CONSENT AGENDA

- 1) July 18, 2016 Regular Town Council Meeting Minutes.**
- 2) Big Mountain Enduro Proposed for August 31 to September 4, 2016 at the Town Gravel Pit Area.**
- 3) Resolution No. 16, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Lease Agreement with the Center for the Arts for 620 Second Street, AKA Big Mine Warming House.**
- 4) Resolution No. 22, Series 2016 - Resolutions of the Crested Butte Town Council Approving the Contract with Gunnison Valley Hockey Association for the 2016/2017 Winter Season at Big Mine Ice Arena.**

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

PUBLIC COMMENT

Jerry Lund - 32 Teocalli

- Thanked Crank for enforcing laws that resulted in having the tiny house removed.

- Thought there was an enforcement issue, and the situation would not have gone as far if enforcement was done in the first place.
- Stated that management was afraid to make hard decisions because they didn't know that Town Council was behind them.
- Now, there was a recreational vehicle where the tiny house was. He stated the recreational vehicle could remain on private property indefinitely if it was used for storage.
- He found over 50 vehicles around Town that were being used as storage units, and he asked for enforcement around Town.
- He wanted the Council to address the loophole.

Ashley Sargent - 522 Red Lady Ave

- Wanted the Council to address the use of the lot adjacent to the trailer park, across from Al's Backhoe, adjacent to the Trapper's hillside.
- She thought it was an easement of the Town's to be used as green space.
- It was being used as a dumping space for private commercial entities.
- She described the area as a wetland, and now it was a parking lot filled with debris.
- Living downwind felt like it was a health issue.
- She proposed the space be used for its purpose and not private commercial.
- Crank had been addressing the use of the parcel. Yerman stated it was a Land Trust conservation easement. Assistant Chief Marshal Mike Reily was also aware.

Nina Kingsdale - 21 Gothic Ave

- Referred to issues brought forth by Lund.
- She wanted to know to whom to speak regarding the issues.
- Michel referred her to the Town Manager.

Maria Fenerty - Reported to live at Red Lady Estates

- Concern had grown over the years (regarding the lot mentioned earlier by Sargent).
- She used to walk through wetlands, but now run-off from the Bench was diminished because the lot was filled with backfill.
- It was a buffer, and it was respectful for them to take care of it.
- It would be nice to have it addressed.

STAFF UPDATES

Lynelle Stanford

- Mentioned special events that were taking place before the next meeting.
- Received a liquor license application from Sherpa Café.
- Reminded the Council of their meeting on Thursday.

Bob Gillie

- The initial public hearing for the Center was on the 26th, and it was continued to August 31.
- Concept review on 6th Street Station was starting this month.

Rodney Due

- Slurry sealing was completed.
- Materials had been ordered for the utilities at Big Mine.

Lois Rozman

- Reiterated the Council had a meeting at 1PM on Thursday.
- She sent out an email with direction on categorizing and reviewing the applicants for Thursday's meeting.
- She would provide June sales tax in the next Council packet.

Bill Crank

- He and Yerman had been working on Kapushion development contracts.
- He assembled a candidate peer review panel for the hiring process of the Town Manager.
- Elise Ackerman from DOLA would be here on Monday. She asked to have lunch with the Mayor and Council members. Told the Council to talk to him if they were interested.
- Received notice that CML was putting out RFPs for the 2020 to 2026 annual meetings. He said the deadline was August 16. Michel could see that it could be centered in Mt. Crested Butte and Crank should discuss with their Town Manager.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Jim Schmidt

- Attended a Cemetery Committee meeting. They met at the cemetery, and they looked at the site of the mass grave for the Jokerville Mine disaster. They wanted to ask the Council for \$15K during budget.
- Attended a Housing meeting. There was an open house at Anthracite Place. The first people would be moving in on the 8th.
- The board increased Karl's (Fulmer) salary, and they could propose a bigger ask from the Town for next year.

Laura Mitchell

- The Chamber was working on by-laws for part-time vacation pay.

Roland Mason

- Attended a Mountain Express meeting on July 21. Ridership was up 2%. The 4th of July was down from last year, but July was up 9%.
- The new bus was on the street. It was called Pineapple Express.

- They had a discussion on possibly using capital funds (reserves) they were keeping for the expansion on the shop building and instead using the funds for workforce housing. Town could put up the property, and Mountain Express might put up the money for the units.

LEGAL MATTERS

None

NEW BUSINESS

1) Presentation and Possible Request for Support by Kari Commerford, Director of Gunnison County Substance Abuse Prevention Project (GCSAPP), on Healthy Youth Development.

Removed from the agenda.

2) Ordinance No. 5, Series 2016 - An Ordinance of the Crested Butte Town Council Amending Chapter 7 of the Crested Butte Municipal Code to Add a New Article 6 Prohibiting the Use of Disposable Plastic Bags and Mandating Certain Standards for the Use of Paper Bags.

Michel reiterated Ladoulis's question if Town could impose a fee and then not actually collect the fee. Belkin said there could be a fee or a tax, but a tax had to be approved by the voters. It was not a fee because it was not defraying Town's costs nor was it serving a public purpose. It was a penalty to change social conduct. The way it was set up didn't make it doable by the Town, and it was possibly not lawful. It had no purpose other than to prevent conduct. Rozman referenced and summarized the background section of her staff report. She stated the nexus was not there for Town to say you shall impose a fee on bags, unless Town collected it and used it for administration and defraying costs of the program. The ordinance in front of Council contained the feedback from the last meeting.

Ladoulis recognized there was a section in the ordinance that specified that retailers posted signs. Belkin said he took the information from Telluride's ordinance. They were trying to encourage a pattern of conduct to not use plastic bags. Ladoulis wanted to look holistically on what they imposed on retailers. He wanted it fixed or struck but not left as is. Michel polled the Council. Schmidt liked the sign. Belkin stated the policy mission statement was to get people to use reusable carry out bags. Mitchell said they should be little signs, or they should get rid of that section of the ordinance. Vohman thought the signs could be optional. Michel attempted to summarize where they were with the signs. Both Merck and Schmidt said to keep it in the ordinance. Mason wanted parameters on the size and locations of signs. Michel summarized they would keep the sign requirement, but add that they had to be a minimum of 4 x 6 inches.

Vohman mentioned the letters that flooded her email in which constituents had requested a fee. She wanted to see Town receive and administer half of the fee. The fee was important in changing consumer behavior. Michel confirmed Vohman wanted to see a 20 cent fee, with Town getting 10 cents and the retailer getting 10 cents. Schmidt said he would stay with the fee not being worth it. He mentioned the community grant cycles as opportunities for funding every year, which were more efficient than the Town administering the fee.

Mitchell moved and Merck seconded a motion to set Ordinance No. 5, Series 2016 as amended with the minimum 4 x 6 inches for the sign for public hearing. **Motion passed.**

Rozman cautioned the Council on making any substantial changes to the ordinance after it was set for public hearing. Michel recognized that only one member was advocating for the fee. Michel clarified that the letters stated that the retailers should retain the fee, and the Council was being asked to do something they couldn't do.

3) Ordinance No. 6, Series 2016 - An Ordinance of the Crested Butte Town Council Imposing a Temporary Moratorium on the Issuance of a Business Occupation Tax License to any Business Renting or Leasing Residential Units for a Term of 30 Days or Less.

Yerman reminded the Council they put forward a Short-Term Rental Committee in April. The committee was set to bring forth their recommendations. He explained that a moratorium allowed for productive legislative dialogue and allowed Staff time to enact new regulations. Michel asked why the Council would need to do a moratorium. Yerman stated it was a tool to allow for legislative discussion, especially with a new inspective regime. He said it also allowed for dialogue with the community. The committee talked about raising additional tax. Collecting data was one of the most important things once they established regulations. A tax was the only method to generate revenue, which had to be taken to the voters with a ballot measure. A moratorium was used to stop the use and to establish new rules. Michel confirmed they could decide not to do anything. There was a discussion on timelines.

Michel asked about the recommendation from the committee. Yerman said it would take more than a ½ hour presentation because it touched many aspects of the Code. Michel wondered if the committee recommended the moratorium, which Yerman confirmed. Mitchell said the committee talked about bringing people into compliance and safety measures. She imagined hiring a part-time staff person to enforce. She said the committee recommended the moratorium, and she supported. Ladoulis questioned licensing, and he asked if it encompassed all short-term rentals. Rozman explained that each property needed a business license as well as the property management companies. Mason stated that he was not in favor of the moratorium as an emergency meeting or emergency moratorium. He thought it needed to be done via a normal process. He was in favor of the moratorium, but not as an emergency. Merck agreed with Mason. He didn't want a less than transparent action. Vohman was okay with the temporary

moratorium. Michel thought it was going in the right direction. It was the one issue that would define characteristics of the community.

Mitchell moved and Vohman seconded a motion to approve Ordinance No. 6, Series 2016 for a public hearing at the August 15, 2016 Town Council meeting. **Motion passed.**

The Council, Yerman, and Gillie discussed the timing of upcoming discussions and a possible special meeting. Yerman was looking at the September calendar. Gillie said Town would be starting to issue licenses for 2017, and it had to be done in the fall to allow time to implement. Schmidt said they needed a discussion as soon as possible. Gillie asked if they wanted a special meeting. The Council decided to consider later.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Merck brought forth the issue of a puddle outside of Town Hall. Due said he was aware.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, August 15, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, September 6, 2016 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, September 19, 2016 - 6:00PM Work Session - 7:00PM Regular Council

EXECUTIVE SESSION

Merck moved and Mason seconded a motion to go into 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 the Memorandum of Understanding for Mt. Emmons and Kapushion development impact agreements and discussions with Cypress Foothills, LP.

The Council went into Executive Session at 8:30PM. Council returned to open meeting at 9:38PM. Mayor Michel made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Michel adjourned the meeting at 9:40PM.

Glenn Michel

Glenn Michel, Mayor

Lynelle Stanford

Lynelle Stanford, Town Clerk (SEAL)

