

MINUTES
Town of Crested Butte
Special Town Council Meeting
Monday, January 22, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:21PM.

Council Members Present: Will Dujardin, Kent Cowherd, 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

Finance Director Rob Zillioux, Town Clerk Lynelle Stanford, Chief Marshal Mike Reily, and Public Works Director Rodney Due (for part of the meeting)

APPROVAL OF AGENDA

MacDonald stated that item #3 needed to be removed from New Business.

Merck moved and Petito seconded a motion to approve the agenda with the removal of item #3 from New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- 1) January 8, 2018 Special Town Council Meeting Minutes.**
- 2) USFS GMUG Forest Plan Comment Letter on Draft Species of Conservation Concern and Air Quality Assessments.**
- 3) Professional Services Agreement with Living Design Group Architects for Architectural Services for Duplex Build Located in the Paradise Park Subdivision.**
- 4) Special Event Application and Special Event Liquor Permit for the Alley Loop Nordic Marathon and Pub Ski on February 2 and 3, 2018.**

At the request of Dujardin, item #2 was moved to the end of New Business.

Merck moved and Petito seconded a motion to approve the Consent Agenda with the change of item #2 to the last item under New Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PUBLIC COMMENT

Monica Ariowitsch - 37 Villa Court

- Was present to comment on the proposed Brush Creek development.
- The project was not compatible with the adjacent land use.
- Water was a huge question and an issue not sufficiently answered.
- Questioned the influence the Town had over the County Commissioners.
- Encouraged the Town to make its position known.
- The Council suggested that she read the letter regarding Brush Creek in the packet.

STAFF UPDATES

Lynelle Stanford

- Asked the Council to discuss topics for the agenda for the joint meeting with Mt. Crested Butte under Other Business.
- The final decision on which course would be used for the Alley Loop would be made by Monday the 29th.
- Reminded the Council that the meeting on February 20th would be on a Tuesday, and the school was out on break that week.

Mike Reily

- The Women's March occurred safely.

Rob Zillioux

- December revenues were up 6%. Revenue for the entire year was up 5% over the prior year.
- He would provide an in-depth review and look forward at the next meeting.
- There would be a second round of community grants in the spring, and he reviewed the timing of the application process.

Michael Yerman

- The agreement with Living Design Group Architects for the duplex build was approved on the Consent Agenda. They would be kicking off tomorrow.

Rodney Due

- Crews would be out doing clean-up and pulling the remaining snow banks on Elk.

Dara MacDonald

- There would be heavier loads on the upcoming agendas.
- She heard from Dale, who heard from the Sheriff, that they were interested in leasing the old jail starting in about six months from now.

PUBLIC HEARING

1) Ordinance No. 1, Series 2018 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of Various Town Residential Properties (Unit 1, Town Ranch

Apartments, 808 9th Street And 906 Butte Ave. Crested Butte, Colorado) to Various Town Employees.

Schmidt read the title of the ordinance. MacDonald did not have additional changes. The public hearing was opened. There was no one present to comment. The public hearing was closed, and it was moved to Council discussion. There was no further discussion amongst the Council.

Merck moved and Mitchell seconded a motion to pass Ordinance No. 1, Series 2018. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Transfer of the Tavern Liquor License Located at 230 Elk Avenue From Barmuda LTD DBA Talk of the Town to Ladybug LTD DBA Talk of the Town.

Schmidt confirmed proper public notice had been given. Stanford affirmed that the application was complete. Mary Boddington, the owner, introduced herself. There were no questions from the Council. Jim Starr thought it was a great idea, and John Hess concurred. The public hearing was closed. There was no further Council discussion.

Merck moved and Dujardin seconded a motion to transfer the Tavern Liquor License located at 230 Elk Avenue to Ladybug LTD DBA Talk of the Town. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

NEW BUSINESS

1) Torie Jarvis Presenting on the NWCCOG QQ Committee.

Torie Jarvis introduced herself and referenced a fact sheet that had been included in the packet. She named staff members, and she described their roles. Jarvis reviewed the list of members, the inception, and roles of QQ. Jarvis briefly explained their projects, organized according to their policies. She explained that they worked on behalf of their members by having influence on water policy. They were interested in linking land use and water. Schmidt questioned if she had information on the aquifers in the area. Jarvis stated they had contract support and could possibly spend time researching.

2) Chris Larsen with the Annual Update on Mountain Express.

Chris Larsen introduced himself and explained he was at the meeting to provide the 2017 annual report. He provided numbers for ridership in 2017, and he outlined the routes, including the route to Gothic. The number of bicycles carried was down for 2017. Larsen reviewed the financial status, the incoming busses, and upcoming improvements to their storage.

3) Revocable Easement and Parking Agreement Between the Town and Oh Be Joyful Church Located at 625 Maroon Avenue.

Removed from the agenda.

4) Slate River Annexation Concept Review.

Cameron Aderhold from Cypress introduced himself and the Project Manager, David Shute.

Yerman began with a slide outlining the annexation and major subdivision review procedures. Tonight would be the concept review portion of the process. He reviewed the history of the agenda item, including the existence of the pre-annexation agreement. Next, Yerman described subsequent steps in the process and drew the Council's attention to potential dates for public hearings.

Yerman showed a slide depicting the western portion of the site, and he pointed out details from the map, including the lots being conveyed to the Town as part of the pre-annexation agreement. He explained details, including zoning and uses, related to the parcels. There was a discussion on the clean-up of the landfill, particularly related to the area that could be used for affordable housing.

Yerman continued to present on the plan for transportation, and he described the two points of access to the development. Yerman explained the plans for 8th Street and the river trail. Next, the discussion turned to access to the river trail. Schmidt questioned snow plowing and the areas for which Town was responsible. Cowherd wanted to know the size of the boat landing. Yerman clarified it was not a launch point for a large raft. Schmidt elaborated that it was meant for kayakers and paddle boarders, and he confirmed that people would have access to float the river through the property.

Yerman updated the Council on the water rights the Town received from the developer and the water and sewer rates residents of the annexation would pay. Schmidt asked how Public Works would access the snow storage. Mitchell questioned the gate to the Public Works yard, explaining that the discussion had come up at Mountain Express.

Schmidt opened the meeting to public comment.

Jim Starr - 323 Gothic Ave

- He wanted to know how much had already been set and how much flexibility the Town had to reconfigure.
- Sullivan explained that if there were a conflict between the Code and pre-annexation agreement, the pre-annexation agreement would control.
- The public process was a charade because of the pre-annexation agreement.
- He wanted to know the prognosis of the VCUP. Yerman pointed out the agreement was null and void if they didn't receive No Action Determination from the State.
- He asked if the Town received study information to determine the cost of clean-up to provide for affordable housing.
- Thanked the previous Council for their efforts in preventing a gated community.

- He encouraged the developer to include interspersed affordable housing.

Sue Navy

- She wondered if there was unknown toxicity under the landfill area that would be capped. She wanted to be sure there wasn't a health hazard. Yerman reviewed the standards for clean-up for various uses. Aderhold said they would have measures to control the dust during clean-up. Yerman pointed out JVA was on site on behalf of the Town. He then outlined costs that were budgeted for this year.

John Hess

- He noticed the 8th Street extension ran into wetlands. He questioned why it didn't go around the wetlands. Yerman said the intent was to make the area an attractive habitat and a high quality wetland. Hess thought a property line would help protect the wetland.

Jim Starr

- He asked about open space required as part of the annexation. Yerman told him it wasn't a part of the deal.

Mitchell asked for communication related to Mountain Express to facilitate their ability to apply for grants.

Dujardin moved and Cowherd seconded a motion to approve the Slate River Annexation concept review. A roll call vote was taken with all voting, "Yes," except for Petito, who voted, "No." **Motion passed.**

5) Letter to Gunnison County Planning Commission for the Sketch Plan Public Hearing for the Corner at Brush Creek Application.

Schmidt recognized the people who had been working on the letter, to include Haver and Cowherd. He had not heard support from anyone to do the project as proposed. MacDonald acknowledged the letter was a work in progress. They were looking for feedback in general. She anticipated bringing back a more refined draft to the next meeting. Haver identified the bottom line of 240 units as the make or break. To him it was the break. Cowherd was disappointed the proponent made changes but not to the number of units. He was disappointed by the size of the buildings, and two of them actually became larger. The broad impacts did not outweigh the narrow offer of affordable housing. Schmidt heard repeatedly about density. He was concerned about the parks, athletic fields, and the school. He mentioned the safety issue of the approach of Brush Creek Road to 135. Petito pointed out questions he had with various figures in the letter. He called attention to the section describing density. Mitchell agreed with everyone on the 240 units, but her bottom line was water. Merck liked the idea of building housing; however, they were missing out on the reason the land was set aside. The parking, driving, and intersection were red flags to him. Haver didn't believe this development was a new way of solving the issue; it was sprawl.

Monica Ariowitsch

- She thanked the Council for the letter.

Jim Starr - 323 Gothic

- He recognized that this project was not located in the community. He wondered how to provide the needed affordable housing in the communities.
- The Town needed to look at increased density for affordable housing.
- It was incumbent on the communities.
- Beyond saying no, the communities needed to step up.

John Hess

- The Town had done a whole lot already for affordable housing.
- They had to be careful about alienating people about affordable housing.
- He thought it was a great letter.
- The County was not paying attention to their own comprehensive plan if they went through with it.

MacDonald said they would bring the letter back for additional discussion on February 5th.

6) USFS GMUG Forest Plan Comment Letter on Draft Species of Conservation Concern and Air Quality Assessments.

Matt Reed of HCCA approached Dujardin and pointed out issues with the section of the letter on wilderness inventory. Dujardin suggested they could scratch the section. Yerman concurred from the Staff perspective.

Petito moved and Mitchell seconded a motion to direct the Mayor to sign the letter to GMUG with the deletion of references to wilderness. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

There was a discussion on the timing of the Executive Session in the meeting, and the Executive Session was moved to the end.

LEGAL MATTERS

None

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- Attended Mountain Express meeting.
- Mitchell elaborated on the situation with the building as it related to Cypress.
- Mt. Crested Butte was aware of Mountain Express's desire for space for the busses.

Laura Mitchell

- Went to the Scenic Byways meeting. They talked about the Corner at Brush Creek and writing a letter on behalf of Scenic Byways.

Kent Cowherd

- Attended RTA meeting. They were struggling with the compressed natural gas bus. They approved a new graphic wrap for the bus.

Chris Haver

- Expounded on Cowherd's report on RTA. He showed a graphic of the wrap for Western. Reservations were down, and he reported on numbers. They talked about the grade of the road at Brush Creek.
- He also attended a Chamber meeting. They were bringing back the Oh Be Joyful kayak race. The Chamber was financially sound. 12th Night was a big success. The fat tire bike race was coming up.

Paul Merck

- Went to a Center for the Arts meeting. Building construction was on schedule. End of year donations had been steady. The weather had been helpful. They adopted a new literary arts program and were creating a long-term plan for operations.
- Had a STOR meeting. They discussed downplaying the element that CBMR was the only activity to do in the winter. There was a \$1.2M grant to help create grant proposals that the group felt they could get behind.

Jackson Petito

- Attended Housing Foundation meeting. The meeting consisted of internal housekeeping. Yerman thanked the Foundation for contributing to the duplex build.

Jim Schmidt

- Attended Housing Authority meeting. Town was way ahead in projects online. The Brush Creek committee was set up. There was still talk of a ballot issue for a permanent funding solution for housing. A bill was being introduced to authorize and expand the use of lodging tax money to fund housing projects.
- Went to the Silent Tracks annual meeting. They were talking of doing more for the summer.
- Went to Mayors/Managers meeting. Jim Gelwicks, Mayor of Gunnison, offered that the members of the Gunnison Council could come to Crested Butte for a joint meeting. There was a presentation from the Upper Gunnison. No one would be trying for a trans mountain diversion in Gunnison County.
- The hospital was interested in finding a building.
- Pitkin was putting together their short-term rental ordinance.
- Wednesday at 6PM there would be a film at the Museum on the Jokerville Mine.

- They were asking for donations for monuments in the cemetery. He asked if it was okay for the Cemetery Committee to seek out sponsorships. No one voiced disagreement.
- They met with the Film Commission. They wanted to do Snowbeast 2.
- Went to CAST meeting. Town had done almost everything that was recommended regarding the STR ordinance. There was a CDOT presentation on computerization, smart roads, and self-driving cars.
- Met with Ian Billick. RMBL and CBMR were discussing a housing project.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Schmidt brought up the attorney review. He asked if they wanted to include the full Council, or they could form a sub-committee. MacDonald said the six-month review was focused on the billing rate. The Council decided they would do the review as a whole.

Schmidt wanted to talk about Brush Creek and the Sheriff's situation in the joint meeting with Mt. Crested Butte. Haver also mentioned the parking program. They discussed the logistics of the meeting.

Schmidt identified the golf carts used for shuttling at CBMR. He would like to see them used on Elk Avenue in the summer. MacDonald asked for direction on the implementation. Mitchell agreed to bring it up with Jim Beck and Mountain Express.

MacDonald said there were parcels for public use in the annexation. She listed entities that had needs for new facilities. They were starting the conversation. She suggested the Council could appoint members to attend the meetings to be a part of the conversation. Schmidt and Mitchell agreed to participate.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, February 5, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, February 20, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, March 5, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The next work session was reserved to discuss the Slate River Annexation, which was not needed. The Council decided to conduct the review of the attorney at 5:30PM, eat at 6:30PM, and the regular meeting would start at 7PM.

EXECUTIVE SESSION

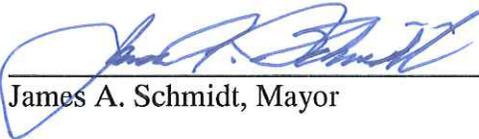
Petito moved and Merck seconded a motion to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations,

developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) regarding the ADU case. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

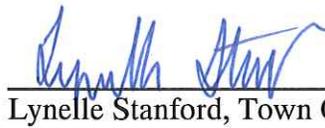
The Council went into Executive Session at 10:33PM. The Council returned to open meeting at 11:22PM. Mayor Schmidt made the required announcement before returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:24PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

