

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Planning Commission Meeting
Monday, May 18, 2020

Mayor Schmidt called the meeting to order at 6:02PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, Laura Mitchell, and Mona Merrill

Staff Present: Town Attorneys Barbara Green and John Sullivan, Town Manager Dara MacDonald, Public Works Director Shea Early, Finance Director Rob Zillioux, Community Development Director Troy Russ, Parks and Recreation Director Janna Hansen, Chief Marshal Mike Reily, and Town Clerk Lynelle Stanford

Planner I Mel Yemma (for part of the meeting)

Everyone connected and participated in the meeting via Zoom, and MacDonald and Stanford were present in Council Chambers.

APPROVAL OF AGENDA

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

CONSENT AGENDA

- 1) May 4, 2020 Regular Town Council Meeting Minutes.**
- 2) Approval of Sixth Street Station Ditch Temporary Liner Agreement.**
- 3) Approval of Letter Supporting Forgiveness of Paycheck Protection Program Loans for Small Businesses.**
- 4) Appointment of Representatives to the Gunnison/Hinsdale Combine Emergency Telephone Service Authority Boards.**
- 5) Approval of Letter to Gov. Polis Requesting Financial Support for Western Colorado University.**

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

PROCLAMATION HONORING ASHLEY UPCHURCH, OUTGOING

EXECUTIVEDIRECTOR OF THE CRESTED BUTTE/MT. CRESTED BUTTE CHAMBER OF COMMERCE AND VISITOR CENTER

Schmidt read the proclamation. UpChurch expressed her appreciation for the proclamation. She stated that it had been a pleasure and honor representing the business community.

PUBLIC COMMENT

None

STAFF UPDATES

- MacDonald was happy to answer questions regarding the Manager's Report.
- Schmidt asked Chief Marshal Reily to report on social distancing and the wearing of masks throughout Town. Reily thought people were doing pretty well. It was a moving target. The Marshals and the public were doing the best they could.
- Schmidt inquired about the expected opening of playgrounds and pavilions. MacDonald clarified playgrounds were closed under a State order.
- Schmidt confirmed the Street Vault event was cancelled for the summer. Stanford added the People's Fair had also been cancelled.

PUBLIC HEARING

1) Ordinance No. 8, Series 2020 - An Ordinance of the Crested Butte Town Council Amending Chapter 16, Article 4 to Include Division 12-R1F Residential District.

Schmidt read the title of the ordinance. MacDonald explained that the ordinance created a new zone district. There was a small area set aside for residential uses, retained by the developer. The zone district was crafted for that unique area. She identified the zoning was unlikely to be applied in other areas of Town. MacDonald agreed the topography in the area was unique. Schmidt recognized Cameron Aderhold and Marcus Lock, both representing the applicant, were connected to the meeting and available for questions.

Schmidt confirmed proper public notice was given. He opened the public hearing. No one from the public chose to comment. The public hearing was closed. There was no further discussion amongst the Council.

Haver moved and Bradley seconded a motion to approve Ordinance No. 8, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

2) Slate River Annexation Combined Public Hearing.

Schmidt read the titles of the three ordinances: No. 9, No. 10, and No. 13 in Series 2020. MacDonald provided a broad overview of the annexation. They were talking about what was on the west side of the Slate River. The Town of Crested Butte would obtain parcels

in the annexation. MacDonald described parcels the Town would own, including parcels anticipated for affordable housing.

The annexation agreement contemplated giving to the Town a small parcel that would be a boat ramp. There was a separate boater access agreement that was for the ability to float on the river; it did not give permission for people to stop. She reviewed details in the boater access agreement. Schmidt acknowledged the ramp would be quite steep and people would need to carry their gear from the road to the launch area. Dujardin questioned parking in the area. Green confirmed, responsive to Dujardin, that the agreement did not address people taking pictures and using them in marketing. The discussion became focused on commercial uses. Green clarified the public hearing had been opened. MacDonald reported on plowing and what streets were private and public. The zoning was part of the action. The property would be annexed, zoned, and then subdivided. MacDonald summarized financial impacts.

Schmidt opened the public hearing on all three ordinances and confirmed proper public notice had been given. Aderhold could take questions, and he expressed his thanks. Lock communicated his appreciation, as well.

Jill and Jay Indovino - 616 Butte Avenue

- Jay was concerned about density and traffic given the activity around the Gas Café. He asked whether they were taken into consideration.
- His second concern was about the proposed intent of leveling the ground on the dump.
- He wondered about traffic and environmental studies.
- Schmidt spoke regarding housing on specific parcels. MacDonald explained clean up that occurred on Town parcels. Housing would require extensive public process. Green added that the Town would subject itself to its own regulations.

There were no further comments, and the public hearing was closed.

a) Ordinance No. 9, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Annexing Slate River Major Subdivision.

b) Ordinance No. 10, Series 2020 - An Ordinance of the Town of Crested Butte Town Council Establishing the Zoning Designations for the Slate River Annexation; and Amending the Town of Crested Butte's Official Zoning District Map for the Purpose of Including the Slate River Annexation.

c) Ordinance No. 13, Series 2020 - An Ordinance of the Crested Butte Town Council Approving a Subdivision Improvements Agreement with Cypress LP for Tracts 1 – 6 of the Slate River Subdivision and Other Improvements within the Slate River Annexation.

Mitchell moved and Dujardin seconded a motion to approve Ordinance No. 9, No. 10, and No. 13, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

d) (Council Convenes as Planning Commission) Approval of Slate River Subdivision Final Plan.

Schmidt closed the Council portion of the meeting and opened the Planning Commission meeting.

MacDonald reminded the Planning Commission they had seen the plan before. There were comments from the Fire Department that were minor and had to do with infrastructure. Schmidt asked about the sketch plan conditions, specifically whether there should be an easement for a future sewer line through the land. Green pointed out it was covered in the agreement. Green added there was an exception they were working to resolve. Lock reported on a deed of trust that needed to be released, but he did not anticipate complications. Green confirmed the Council could proceed even with the exception. Schmidt opened the meeting to public comment. No one commented. The Planning Commission did not have any further discussion.

Magner moved and Mitchell seconded a motion to approve the Slate River Subdivision Final Plan. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

The Planning Commission portion of the meeting ended, and they re-convened as the Council.

3) Ordinance No. 14, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Chamber of Commerce Visitors Center Located at 601 Elk Avenue to the Crested Butte / Mt. Crested Butte Chamber of Commerce.

Magner recused herself from the meeting. She stopped the video and muted her sound.

MacDonald told the Council there had been no changes from the first meeting.

Schmidt confirmed proper public notice had been given. He opened the public hearing. There were no comments from the public. The public hearing was closed.

Haver moved and Dujardin seconded a motion to approve Ordinance No. 14, Series 2020. A roll call vote was taken with all voting, "Yes," except Magner had recused herself and did not vote. **Motion passed unanimously.**

4) Ordinance No. 15, Series 2020 - An Ordinance of the Crested Butte Town Council Authorizing the Partial Release of the Town's Option to Repurchase Townhouse Units Constructed on Block 79, Lots 4, 10, and 11 and Block 78, Lot 6, in the

Paradise Park Subdivision, Town of Crested Butte, Gunnison County, State of Colorado.

Schmidt read the title of the ordinance. MacDonald stated the closings were anticipated for June. The option to repurchase was a protection for the Town, but since the units were under contract, Town needed to release the option for the sales to go ahead.

Schmidt confirmed proper public notice had been given. He opened the public hearing. There were no comments from the public. The public hearing was closed.

Magner moved and Haver seconded a motion to approve Ordinance No. 15, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

OLD BUSINESS

1) Updated Financial Forecast and Discussion.

Zillioux provided an update on Quarter 1 financials for the Town. Sales tax was down 20%. He specified numbers for certain taxes. Town had not received RETT since April 1st. Property tax was largely on budget. Total major sources of revenue were down 12% for the first quarter. Expenses were on budget for the first quarter. Sewer and Water were on plan for revenue. Zillioux summarized the Capital Fund, Street and Alley Fund, and Affordable Housing Fund. Zillioux explained the debt schedule. Zillioux reviewed the small business grant program. Zillioux anticipated revenue would be down \$2M this year.

2) Update on Potential Summer Expansion of Business Footprints Along Elk Avenue to Encourage Social Distancing and Commerce.

Schmidt stated that no decision had been made regarding Elk Avenue. He recalled emails received today that were not in favor of closing Elk Avenue, and one email was in favor.

Russ updated on the number of applications submitted for use of the furnishing zone (brick pavers). He reported there were no application fees. Yemma announced Elk Avenue would be closed on Wednesday, and they would meet with business owners block by block. Staff would bring a design forward for Elk Avenue on June 1st based on the feedback received on Wednesday.

There was discussion on transportation options for Elk Avenue. Mitchell asked if Elk would be cordoned off. She voiced Mountain Express's concerns around safety. Haver thanked Staff for putting together a program to get input from businesses. Dujardin reminded the Council of the parking plan and that there were good benefits to it. Haver valued those who were taking time to put forth into the discussion. Magner suggested they open the meeting to discussion again at the time reflected on the agenda.

LEGAL MATTERS

Green stated there was an important Tenth Circuit case regarding scrutiny of what government was doing. There had been pushback, and people were fed up with health orders. In this Tenth Circuit case, the Court struck down a curfew for door-to-door solicitors. The case went beyond curfews. A lot of attention was being given to how governments interfered with rights. She reminded the Council to refrain from expressing opinions on social media.

COUNCIL REPORTS AND COMMITTEE UPDATES

Chris Haver

- He had a lodging meeting today.
 - Masks were required for employees.
 - They reinforced the Five Community Commitments.
 - They had an open date for 50% capacity on May 27th. It allowed for a single family to stay in a STR.
- Restaurants would be allowed to have customers on their patios with takeout food, which Green identified to be contrary to the State orders.
- Under communications, they were trying to put out fewer and clearer communications.
 - There was confusion about where rules were coming from.
 - They were working on the Corona Meter.
 - There was a program for better communications amongst the electeds.
 - Sector plans were mostly approved.
 - He specified what objectives were for groups.
- Community Builders would help with scenario planning for now and long-term.
- Gunnison did a loan program similar to the Town.
- Western State asked for a letter of support.
- CBMR wanted to make it clear they had not made decisions on what summer would look like.
- GVH had done 240 antibody tests.
- The Housing Authority had a meeting. They discussed reorganizing financial reporting; they approved moving forward with an emergency mortgage assistance funding program; and they would continue to monitor for new housing opportunities.

Will Dujardin

- They were looking at five levels of threat assessment. He mentioned the antibody testing.
- The CC4CA weekly round ups had been useful.
- He would go to an Upper Gunnison River Water Conservancy District meeting next week.

Candice Bradley

- She would be attending meetings this week and would provide information at the next Town Council meeting.

Mallika Magner

- The Valley Housing Fund would meet on Wednesday.
- The Chamber would have a board meeting tomorrow.

Laura Mitchell

- She received a call from someone concerned about John Norton's comments in the KBUT meeting about marketing to the driving market.
- Paulie's (Redden) yard was dying.
- The discussion became detailed around marketing. Haver was not worried about a flood of people. He did not expect to see a rush of reservations.

Mona Merrill

- She had a meeting with The Center for the Arts.
 - They were looking at renting out rooms.
 - They were hiring a lawyer to help them come up with a creative way of working with the Town.

Jim Schmidt

- He was a Zoom meeting with Senator Bennet and people from the southwest part of the State.
- There was a mayor/managers meeting.
- The hospital had a couple of new sterilizers that the school district was interested in using for cleaning classrooms.
- He was on a Zoom meeting with CAST members. There was reaffirmation they were all experiencing the same issues.
- He attended the EOC meetings. He reported on immunity and when a person was no longer contagious.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Magner recognized people were gathering together at the Post Office. Schmidt acknowledged orders would become more restrictive if things went backward. He implored people to follow the rules.

OLD BUSINESS

2) (Con't) Update on Potential Summer Expansion of Business Footprints Along Elk Avenue to Encourage Social Distancing and Commerce.

MacDonald confirmed no one new had joined the meeting. There was no further discussion.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND

COUNCIL MEETING SCHEDULE

- Monday, June 1, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 15, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, July 6, 2020 - 6:00PM Work Session - 7:00PM Regular Council

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 8:26PM.

James A. Schmidt, Mayor

Lynelle Stanford, Town Clerk (SEAL)