

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, May 1, 2017
Council Chambers, Crested Butte Town Hall

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

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

Staff Present: Town Manager Dara MacDonald, Town Attorney John Belkin, and Town Clerk Lynelle Stanford

Parks and Recreation Director Janna Hansen, Building and Zoning Director Bob Gillie, Finance Director Lois Rozman, Planning Director Michael Yerman, Chief Marshal Mike Reily, and Public Works Director Rodney Due (all for part of the meeting)

APPROVAL OF THE AGENDA

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) April 3, 2017 Regular Town Council Meeting Minutes.**
- 2) April 10, 2017 Special Town Council Meeting Minutes.**
- 3) Resolution No. 17, Series 2017 - Resolutions of the Crested Butte Town Council Certifying that the Final Plat for Gothic Paradise Subdivision, Lots 25, 26 and 27 and the West 50 Feet of Lots 28 Through 32, Block 9, Town of Crested Butte is in Compliance with Chapter 17, Article 4 of the Crested Butte Municipal Code.**
- 4) Resolution No. 19, Series 2017 - Resolutions of the Crested Butte Town Council Approving a Professional Services Agreement with Ben White Architecture for Architectural and Related Services for the Big Mine Warming House Expansion Project.**
- 5) Resolution No. 20, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Grant Agreement with Great Outdoors Colorado for the Town Park Playground Renovation Project.**
- 6) Resolution No. 21, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Intergovernmental Agreement with Gunnison County Regarding Undesirable Plant Management.**

7) Resolution No. 22, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Snow Removal Reimbursement Covenant Affecting Lots 1, 4-7, 10, 11, 14-17 and 19, Block 79, Town of Crested Butte According to the Replat of Paradise Park Subdivision Recorded in the Official Real Property Records of the Clerk and Recorder of Gunnison County, Colorado on April 27, 2016 at Reception No. 639098.

8) Resolution No. 23, Series 2017 - Resolutions of the Crested Butte Town Council Approving the Vacation and Termination of the Big Mine Condominiums According to the Plat Thereof Recorded in the Official Real Property Records of the Clerk and Recorder of Gunnison County, Colorado on September 22, 1982 at Reception No. 369656.

9) Joint Letter with the Board of County Commissioners (BOCC) to Freeport-McMoRan.

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

PUBLIC COMMENT

None

STAFF UPDATES

Lois Rozman

- She provided preliminary sales tax numbers for March, and sales tax was up almost 6%.
- The spring-grant cycle was opened.
- The state revolving fund loan for the wastewater treatment plant (WWTP) closed today.
- Received a copy of draft financial statements from auditors that she would bring forward to the Council.
- Her department had been busy on the HR side. Six full time positions had been hired, and they were working on hiring the seventh, a potential mid-level planner.

Bob Gillie

- Three PUDs were in play right now: Clark's, Sixth Street Station, and Queen of All Saints. Sixth Street Station would be ongoing.
- They were dealing with many plans and remodels.
- Reminded the Council of Town Clean-Up on May 13th.

Janna Hansen

- A full-time, year around park worker had been hired.
- Crews were working hard on spring cleaning.

- As approved on the Consent Agenda, Ben White Architecture had been hired for the Big Mine Warming House expansion.
- Her next project would be a RFP for final design for the playground.
- The pavilion at Rainbow Park would open for the season on Memorial Day weekend.
- She had been working with Due on a list of items damaged from snow storage and snow removal.
- Town would be having a softball team playing in the Wednesday-only league.
- Ladoulis asked if there could be redirect signage at the Yelenick Pavilion in Town Park this year. Hansen said she would look into it.

Rodney Due

- He expressed appreciation for the DOLA grant for Phase 2 of the WWTP expansion.
- He reiterated that the state revolving fund loan closed this morning.

Mike Reily

- His department took training opportunities at this time of year.
- It had been a typical off-season with cases such as: emergency alcohol commitments, DUIs, and domestics.
- Lessons were learned from the Women's March. There was an Environmental March, the turnout was smaller, and it went smoothly.
- Mitchell questioned bear activity. Reily stated they were out and about. Merck asked about the need for a community service officer. Reily thought they needed an eighth officer and wanted to consider what would serve the Town better. He said it was harder to hire a community service officer compared to an officer. Merck cited items that needed enforcement. Reily explained tasks handled by the community service officer. Michel stated Council could direct Staff during the budget process.

Michael Yerman

- The Creative District Commission was headed to Breckenridge for the annual convention.
- He mentioned Pizza with Creatives at the Center for the Arts on March 11th.
- Staff would be conducting a review of the Cypress submittal to the County.

Lynelle Stanford

- Sidewalk seating and special events would be on the next agenda.
- There would be a picture taken of the Council before the next meeting.
- Asked the Council if they would consider shifting the meetings in July, since the first was scheduled for July 3rd. Michel said it would be discussed at the end of the meeting.

Dara MacDonald

- MacDonald and Yerman participated in interviews for teams who had responded to the Brush Creek RFP. Two teams were asked to come back with further plans. One hurdle was water at the site. She asked the Council how much input and involvement they wanted with developer selection. Merck informed her that he was interested.
- Commercial leases would start on the May 15th agenda.
- They were having good conversations with GCEA on open conduit for broadband.
- The Town picnic would be on June 9th at Rainbow Park.
- CBMBA came forward with a proposal for the funding of backcountry management. Staff would have a meeting with other land owners.
- Elyse Ackerman's (DOLA) last day was last week. In the meantime, a temporary regional manager was appointed.
- The agreement for STR Helper would be on the next agenda.

NEW BUSINESS

1) Ordinance No. 11, Series 2017 - An Ordinance of the Crested Butte Town Council Adopting an Administrative Plan Presented by the Town Manager for the Departments of Town Administration Pursuant to C.R.S § 31-4-215 and Merging the Building and Planning Departments Pursuant to § 6.9 of the Crested Butte Home Rule Charter.

MacDonald reminded the Council of Gillie's retirement in June. It was a chance to consider organizational changes. She explained the benefits of a Community Development Department and the history behind the current organization. Staff was prepared to lead through the discomfort of changes. A mid-level planner position was being advertised, and a new position for STR enforcement and residential inspections was being created. Michel affirmed more places were moving towards this structure and that it was becoming more common. He thought it seemed a lot of responsibility was under one position. The built environment made the Town of Crested Butte. MacDonald said it would allow more cross training for back up. Michel asked how it affected the budget. MacDonald told the Council that the financial impact would come with the STR/Building Inspector position. Yerman answered Mason's question concerning commercial inspections. Michel pointed out the administrative plan also included in the packet with the ordinance, and no one voiced disagreement with it.

Ladoulis moved and Merck seconded a motion to set Ordinance No. 11, Series 2017 for public hearing at the next meeting. **Motion passed.**

2) Ordinance No. 12, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Chapter 2, Article 8 of the Crested Butte Municipal Code to Expand the Creative District Commission Membership and Include Requirements Related Thereto.

Yerman explained that members of the Creative District felt they needed more people on the ground to help with initiatives.

Mason moved and Mitchell seconded a motion to set Ordinance No. 12, Series 2017 for public hearing on May 15th. **Motion passed.**

3) Ordinance No. 13, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Amendment to Lease Agreement with The Center for the Arts Related to Town-owned Property Located at Lots 1-16, Block 50, Town of Crested Butte, Colorado.

Mason recused himself and left the room.

Jenny Birnie, Ed Schmidt, and Crockett Farnell were present representing the Center for the Arts.

Farnell provided an update on the construction, permitting, and design processes. They addressed BOZAR criteria in their plans. Their goal was to get site work approved and on the way for groundbreaking on June 1st. He mentioned plans for trees that had to be relocated or removed.

A video, showing the new Center and uses inside and outside, was played.

Birnie reviewed patrons they served and the Center's annual budget. She explained their pro-forma budget related to current and future operations. The new Center would be central to the community and was a Town asset that generated tax revenue. They intentionally upped the ante to bring big name performers. She answered questions that arose from the pro-forma. Birnie then reviewed details pertaining to the capital campaign. She expounded upon what made their campaign successful.

Schmidt stated the contracts were contractual vehicles to get the project done to define surety and how funds were placed in a lock box and set for the project. Part of discussion had been the management of the project. He would be the project manager representing the Center, Farnell would be building it, and Yerman would be the Town's point of contact. They were committed to fund-raising to complete all phases of construction.

Michel identified three areas of discussion: 1) Bridge financing; 2) the question of overall final funding (surety); and 3) the pro-forma and ongoing operations. He asked the Council to discuss bridge financing. Merck thought it appeared it would be unnecessary. He asked if attendance numbers included Alpenglow, and they did. Michel confirmed they still desired the offer from Town and the terms. Ladoulis asked if they could do it without the \$750K. Schmidt recognized it was something in that they appreciated Town's position, but they couldn't in good faith ascertain they wouldn't use it.

Next, Michel brought up surety. Schmidt told them they didn't want surety from the Center. The two components were surety and guarantee. Michel confirmed they would

have surety before voting at the public hearing. Ladoulis asked for Belkin's input on surety. Belkin said the contract presented was a simple contract, and it had a surety provision. It was an important component of the construction contract. The discussion became more detailed around the budget, timing of Phase 1, surety, and performance bonds.

Michel asked where the Center was with the pro-forma and endowment. Town wanted it to stand on its own. Birnie informed the Council that it was their intent to raise money for an operating reserve as part of their fundraising campaign.

Mitchell moved and Merck seconded a motion to set Ordinance No. 13, Series 2017 to public hearing on May 15th. **Motion passed.**

4) Ordinance No. 14, Series 2017 - An Ordinance of the Crested Butte Town Council Waiving the Requirements of Chapter 4, Article 6 of the Crested Butte Municipal Code with Respect to The Center for the Arts' Renovation and Expansion Project Located at Lots 1-16, Block 50, Town of Crested Butte, Colorado.

MacDonald stated that the Town required bidding on projects over \$25K, and the ordinance outlined the Town's willingness to waive the requirement for this particular project. The tenant improvement agreement was also included.

Mitchell moved and Ladoulis seconded a motion to set Ordinance No. 14, Series 2017 to public hearing at the meeting on May 15th. **Motion passed.**

Mason returned to the meeting.

5) Discussion and Possible Action Regarding Kapushion Development Improvements Agreement and Ditch Relocation Agreement.

Yerman provided background on the agenda item and past agreements. A development improvements agreement (DIA) and McCormick Ditch Relocation Agreement were in the packet. Yerman explained Phases 1 and 2 and what they involved. Michel confirmed Town would gain 22 residential home sites. Yerman further explained there were three ditch owners, and they received comments from two of them.

Mason moved and Mitchell seconded a motion to have the Town staff prepare a Resolution approving the Kapushion Development Improvement Agreement and McCormick Ditch Relocation Agreement for the May 15th, 2017 meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

6) Discussion and Possible Action Regarding a License Agreement Between the Town of Crested Butte and Cypress Foothills, LP for the Remediation of Portions of the Landfill Located in the 8th Street Right of Way Under Cypress Foothill, LP Voluntary Clean Up Program Application Administered Through the Colorado Department of Public Health and Environment.

Yerman informed the Council that Cypress approached Town about including a small portion of the 8th Street right of way in the VCUP process. Cypress was filing for VCUP and the question was whether Town wanted to participate and enter into a licensing agreement. Yerman acknowledged there was benefit to having Cypress pay. However, Town would also bear the brunt of the VCUP process if they decided not to enter into the agreement. Responding to Michel, Yerman identified the biggest issues were the risk and liability through CERCLA. One big question was if Council wanted to engage Town's environmental counsel to review the agreement. Attorney for Cypress, Marcus Lock, said 8th Street was good for the community and the development. They wanted to include it. It was an opportunity to get the road built and paid for by Cypress. Cypress would seek an executable licensing agreement to be ready for the meeting on May 15th.

Belkin stated the landfill wasn't formally closed, and it was covered in soil. If it was disturbed and hazardous materials were found, Town would have liability and responsibility to the community. No one really knew what was there. If they encountered something, it would fall on the taxpayers. The Town or County could be considered the operator of the landfill. Lock explained the VCUP process was boundary driven, and the exposure would be within the area of the license. He thought the scope on Town property was small. Cypress wanted to clean up the dump this summer.

The discussion on liability became detailed. Ladoulis asked if there was question of the value of 8th Street to the Town. Yerman said if there was a school located in that area, 8th Street would be a corridor. Wherever there was single point access, there tended to be congestion and traffic problems. Michel thought 8th Street was important. He clarified that the key question was the palatability of the Council to accept risk versus the benefit of the licensing agreement. He said they should go for it, and no one voiced disagreement. Petit asked for an answer from the environmental lawyer in that Town would only be responsible for the licensed area. MacDonald confirmed there would be a licensing agreement for their consideration on the next agenda.

7) Discussion and Possible Direction to Staff to Draft an Ordinance Increasing the Compensation of the Council and Mayor.

Mason recognized they were close to what other towns were of similar population. He noticed the Mayor made 100% more compared to Councilors. He asked if they wanted to close that gap. Merck said people saw it as a service to the community. Mason thought they were close to being in a good range, but there was a lot of time spent on sub-committees. Michel acknowledged that any pay raise wouldn't be enacted until the next Council was sitting. Ladoulis stated it was needed to satisfy recruitment, and they should move on the Council's pay regardless of what they thought of the Mayor's. Merck agreed with Ladoulis. Michel suggested they put a number in, \$100 a month for Mayor and Council, which could be changed. Mason agreed with Michel. Four Councilors displayed agreement with thumbs-up.

LEGAL MATTERS

None

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Chris Ladoulis

- Attended Wayfinding Committee meeting. He saw challenges, but it was a provoking conversation on signs.

Laura Mitchell

- Attended Scenic Byways meeting in Crawford. They were adding signs by Roaring Judy. They would replace signs at the Chamber this summer. The Redstone Lodge sold, and it would be an outdoor events center with tours.
- Counties were dissatisfied with Gunnison County because the other counties wanted Wild and Scenic designation assigned to the Crystal River.
- Went to the Chamber meeting. Ashley Upchurch was hired as the Executive Director. They would hire a new Events Director. They pulled off Pole, Pedal, Paddle this past weekend.
- The Chamber would donate \$1K for backcountry education at RMBL. When the contract ended, they decided not to renew because they were paying more at RMBL and losing employees at the Chamber.
- Finances were looking good.
- They talked about combining efforts of area Chambers. Combining them did not sound like a good idea. Mason requested a financial report from the Chamber.

Paul Merck

- Was working with the Center.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

Ladoulis wanted to make sure the video (shown during the Center for the Arts' presentation) was in the public domain. He wanted it well in advance of ground breaking and for it to be a streaming video rather than a download.

MacDonald asked if Council wanted to hear from HCCA at the next meeting on the coal mine expansion, including their request that the Council submit a letter. She explained the County's take was different from HCCA's. Four Councilors displayed agreement to include on the next agenda.

Mason questioned how the situation had landed with DMV. MacDonald did not receive a response to the letter, and they had vacated the office. He thought issues could be worked out more smoothly in the future. MacDonald would continue to reach out and open the lines of communication.

Merck brought up the lot for sale by Judy McGill on the corner of 6th Street. He asked if Town could help with drainage. Michel clarified and asked if there was a way to mitigate the negative view. He said the message could be that they were sensitive to it and willing to do something. Four Councilors agreed by showing thumbs-up.

Merck reiterated the need for a community service officer; parking on Elk had been a problem. He asked if they needed to look at it closer. MacDonald stated Staff would recommend metered parking. Michel suggested it be discussed at a work session. Mason said if they metered they needed to issue permits on the side streets. Merck cited the example in Glenwood Springs. It was a fine of \$1K for not having a dog on a leash or not picking up after the dog, and it was painted on the sidewalk. Ladoulis recognized speeding and parking would be coming up as summer neared, and they still hadn't addressed the rate of traffic travelling through Town. Michel said the Council needed the conviction to stand behind the policy. He summarized they would have a work session to discuss parking, public service, and speeding.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, May 15, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 5, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, June 19, 2017 - 6:00PM Work Session - 7:00PM Regular Council

Mason moved and Ladoulis seconded a motion to change the July meetings to July 10th and July 24th, 2017. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

ADJOURNMENT

Mayor Michel adjourned the meeting at 10:11PM.



Glenn Michel, Mayor



Lynelle Stanford, Town Clerk (SEAL)

