

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, July 16, 2018**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 8:05PM.

Council Members Present: Will Dujardin, Kent Cowherd, Chris Haver, Jackson Petito, 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 Parks and Recreation Director Janna Hansen (for part of the meeting)

**APPROVAL OF AGENDA**

Merck moved and Dujardin 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) **June 18, 2018 Regular Town Council Meeting Minutes.**
- 2) **Appointment of Municipal Court Judge.**
- 3) **Resolution No. 9, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Town of Crested Butte to Apply for a State of Colorado, Department of Local Affairs (DOLA) Energy and Mineral Impact Program Grant for the Funding for the Construction of the Town's Water Treatment Plant Upgrades.**
- 4) **Award of the Mallardi Theatre Public Art Project to Ben Eaton.**
- 5) **Solar Array and License Agreement with Gunnison Valley Electric Association.**

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

**PUBLIC COMMENT**

Elliot Stern - 512 7<sup>th</sup> Street #2

- While dribbling a basketball, he announced that he was the closest resident to The Center for the Arts.

- The Center for the Arts was disgraceful.
- His property had already been devalued.
- Town needed to maintain the space that was green, and there should not be a half basketball court in the area near The Center.
- The other issue, in addition to green space, was the pushing through of The Center for the Arts.
- He cited decibel levels of bouncing basketballs and other recreation.
- Told the Council to keep the green space.

### **STAFF UPDATES**

- Yerman asked the Council, under Other Business, to appoint two Council members to the selection committee for a parking consultant.
- Yerman suggested Council members stop by the Public House to fill out a survey concerning flows across river valleys.
- Yerman received four responses to the RFQ for Block 76.
- MacDonald updated that the County Commissioners would meet tomorrow to consider moving from Stage 2 to Stage 1 fire restrictions.
- Project Hope would share the office space with the Housing Authority.
- Stanford reminded the next meeting would be on a Tuesday.
- Petito questioned the new legislation starting January 1<sup>st</sup> concerning 3.2% beverages.

### **PUBLIC HEARING**

#### **1) Transfer of the Brew Pub License from Mahogany Ridge Brewing Company to Elk Avenue Brewing Company LLC Located at 215 Elk Avenue, Units 3 and 4B.**

Sonny Bunch, the applicant, introduced himself. Schmidt recalled noise and other complaints originating from The Eldo. Bunch answered Schmidt's question regarding bands that would be performing. Schmidt confirmed proper public notice had been given.

Merck moved and Haver seconded a motion to transfer the Brew Pub License to Elk Avenue Brewing Company LLC. A roll call vote was taken with all voting, "Yes."  
**Motion passed unanimously.**

### **OLD BUSINESS**

#### **1) Discussion on The Corner at Brush Creek Housing Project.**

Schmidt referred to two letters that had been included in the packet, one to the County Commissioners and one to Mt. Crested Butte. He mentioned another letter provided today, not in the packet, on behalf of the Friends of Brush Creek. MacDonald reviewed the content in the letter addressed to the County Commissioners. She told the Council they had yet to see a change in the proposal in response to their communications.

Schmidt summarized the options. Dujardin thought a meeting amongst the parties in the MOA could be useful, and it should be a public meeting. Haver stated it was time to have a discussion, or it was time to deny the project. Schmidt had a problem with the MOA group meeting again. Dujardin countered that a public meeting could be useful.

John O'Neal, representative of Gatesco, did not know of any changes to the application. David Leinsdorf, attorney representing Friends of Brush Creek, provided a list of conditions proposed by Friends of Brush Creek that could lead to the sketch plan approval. He asked the Town to agree with an approach like the one proposed by the Friends of Brush Creek.

Merck agreed with Dujardin that sitting down in a meeting could only help the process. Schmidt recognized, that from the beginning, the Town identified there needed to be a community, public process. MacDonald cautioned the Council on taking a stand on the Friends of Brush Creek's proposal, since it just came in today. Dujardin appreciated their effort. MacDonald asked the Council to confirm that the message to convey to the Commissioners was that Town would appreciate a continuance if it meant public, fruitful discussion would take place, and if no other entities in the MOA were interested, proceed with a decision. Haver reiterated they would request denial of the application because it did not meet LUR standards nor was there public consent. Or, they would request the Commissioners extend to another meeting, only if there was agreement to a public meeting with the parties in the MOA.

Leinsdorf thought there would be consensus around the points brought forward by the Friends of Brush Creek. Dujardin suggested edits to the last paragraph in the letter to the Commissioners. Haver didn't think it was fair to make a quick decision on the points made by the Friends of Brush Creek. MacDonald suggested a compromise by making reference to the conditions suggested by the Friends of Brush Creek, if the Commissioners proceeded with approval. Haver identified three options for moving forward. Dujardin didn't want to tie the Town too closely to Friends of Brush Creek.

The subcommittee comprised of Haver, Cowherd, and MacDonald would meet to draft a letter to the County. MacDonald summarized what she heard from the Council to include in the letter. The Council wanted open discussions on how to develop the property. The developer had not proposed changes, and the Town would continue to ask for denial. If the proposal was not denied, then the approval should be with substantive changes. Or, delay if the other parties would participate in robust public discussion. The Council supported the subcommittee drafting the letter.

Sullivan drew the Council's attention to the letter addressed to Mt. Crested Butte that was in the packet. He reviewed the content of the letter. Cowherd said the letter to Mt. Crested Butte was close as presented. He would add that the meeting should be public. Schmidt summarized that they would send the letter as is, but they would add that they wanted to see a meeting with the MOA parties that would be public.

## **2) CML Conference Discussion.**

Five Council members attended the CML Conference. Cowherd highlighted aspects he most enjoyed. Dujardin appreciated the affordable housing tour. He recapped sessions that he attended. Merck agreed with points made by Cowherd and Dujardin. He cited examples of ideas that had been implemented in Town. He thought it was a good conference. Haver learned of lighting ideas that could liven Town around the holidays, and he suggested they consider incorporating dock-less bikes. He reviewed sessions he attended. Schmidt attended the CAST meeting and the dinner with Steamboat and Durango. He had a chance to discuss Vail. MacDonald acknowledged the conference was a great opportunity.

### **NEW BUSINESS**

#### **1) Ordinance No. 20, Series 2018 - An Ordinance of the Crested Butte Town Council Amending Chapter 4, Section 2 of the Crested Butte Municipal Code Pertaining to Sales and Use Tax Definitions and Exemptions.**

Zillioux asked the Council for questions. He stated the definitions were revenue neutral. He recognized the benefits of the ordinance, and he reviewed municipalities that had already adopted the definitions.

Dujardin moved and Merck seconded a motion to set Ordinance No. 20, Series 2018 for public hearing at the August 7<sup>th</sup> meeting. A roll call vote was taken with all voting, "Yes," except for Petito, who momentarily left the meeting and did not vote. **Motion passed unanimously.**

#### **2) Presentation on the Audit.**

Zillioux stated the finances were strong, and the reporting accurately reflected the position of the Town. Controls were adequate at the moment. The auditors suggested that the Council be closely familiar with the financial picture of the Town. He encouraged a long-range discussion about where Town was going in totality. Zillioux explained the auditors followed the money. He identified his role, responding to Schmidt's question on control.

#### **3) Discussion on Trash Receptacles at Trailheads.**

Hansen reviewed history of the agenda item, and she reminded the Council of the dumpster currently located at the 4 Way. She explained that they discussed dumpsters at two trailhead locations: Judd Falls/Copper Creek and Washington Gulch. Hansen reviewed the schedule of Waste Management and that the dumpsters would be emptied every week on Mondays. Hansen provided estimated costs for three dumpsters, which did not include removal of dumped items or the cost of a blocked dumpster. Staff recommended approval of two locations, consisting of three dumpsters, to include additional discussion regarding shifting the burden to the appropriate agencies. Staff also recommended removing the dumpster at the 4 Way.

Merck thought it was worth keeping the dumpster at the 4 Way and that the Forest Service would participate. There was discussion for a plan going forward. Haver suggested they investigate providing trash receptacles in all of the drainages. Cowherd wanted Town to continue to take the lead. Petito pointed out the TA could be a potential source of funding. Schmidt agreed with Cowherd that they needed to lead and fund the additional dumpsters.

Merck moved and Cowherd seconded a motion to fund two 3 yard dumpsters at Washington Gulch and one 6 yard dumpster to be placed at the Judd Falls/Copper Creek trailhead and to keep the dumpster at the 4 Way. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### **4) Discussion and Possible Action on the Installation of a New Sidewalk for Safe Routes to School on Belleview or Red Lady Avenue.**

Yerman separated the agenda item into what needed to be decided tonight and what would be discussed long-term. MacDonald focused the discussion on the location of the sidewalk. Yerman described Phase 1 that was proposed to happen this year. The next step would be community outreach. There was discussion on parking for residents on Belleview. Sally Hensley was present, and the school supported the proposal. She learned the intersection at 7<sup>th</sup> Street didn't fail until pedestrians were present. Petito questioned decommissioning the existing sidewalk. Yerman highlighted the points of Phase 1. Reily agreed the Belleview sidewalk was the safest solution to get people to the Safe Routes to School sidewalk. The Council agreed that Staff should proceed to Phase 1.

#### **5) Amendment to the Construction Agreement with High Mountain Concepts for the Paradise Park Duplex Build.**

Yerman informed the Council that the first round of bids from subcontractors came back high. There was a \$28K increase in price per unit. Staff suggested Town proceed with three of the four duplexes while forgoing the Town employee rental build until 2019. MacDonald acknowledged the work of the Stocks. John Stock explained the increase in costs. Yerman didn't want to delay breaking ground. He highlighted details of the contract. Cowherd wondered if Town could assist with the excavations. MacDonald said they could revisit with Public Works. There was a discussion on AMI as it related to the cost of the units. Haver questioned details on the cost of the materials.

Petito moved and Dujardin seconded a motion to amend the contract with High Mountain Concepts, LLC for \$1,720,222. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

#### **6) Discussion and Possible Action on Proceeding with the Paradise Park, Block 76, Affordable Housing Project in 2019.**

Yerman updated that they held a neighborhood meeting regarding the land use of Block 76. The original Verzuh annexation agreement required the entire build out of the remainder of Paradise Park Subdivision prior to the development of Block 76. Yerman reviewed the make-up of Block 76. The next community meeting would be August 15<sup>th</sup>. He described the upcoming timeline and associated costs. Yerman called the Council's attention to the letter to Lacy in the packet.

Cowherd moved and Dujardin seconded a motion to proceed with the letter asking Bill Lacy to amend the agreement. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **LEGAL MATTERS**

Sullivan said there were developments in the matter involving The Heights. They had a case management conference with Judge Patrick. He continued the case management conference and would revisit the issue once he ruled on the pending summary judgment motion. The case would be on hold until the ruling came out.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Will Dujardin

- Went to the Upper Gunnison River Water Conservancy District meeting.
- Attended a Colorado Communities for Climate Action steering committee meeting. There would be an updated policy agenda on the next Council meeting agenda.
- He provided an update from Mountain Express per Laura Mitchell. Since they moved to purchase a lot in Riverland Industrial Park, they were looking to completely move out of Town property. MacDonald said they were still trying to understand what the opportunities were.
- The storm water management plan came from QQ and had been sent to members. Dujardin stated it would be useful to develop.
- A citizen suggested stop lines and the word, stop, be incorporated at intersections.
- The July 2<sup>nd</sup> meeting developed into something that was disadvantageous. He advised that the Council prioritize jobs over concerts.

Kent Cowherd

- Creative District had a successful Chalk Walk event.
- They developed a Creative District map.
- There was an art tour of public art in Vail as a part of the CML conference.
- The Creative District heard from Artists of the West Elks.
- Attended CPW meeting in Mt. Crested Butte.
- He would be attending DOLA Region 10 meeting this week.

Chris Haver

- Went to Community Builders Taskforce meeting. One discussion was on community health. The Community Taskforce was moving forward with a

speaker on how to have difficult conversations. There would be another speaker and program on looking at problems and solutions.

- State of the Valley would be coming up.
- Went to Colorado Space Business Roundtable.

Paul Merck

- He expounded upon the Colorado Space Business Roundtable.
- Attended The Center for the Arts celebration for the donor, who helped them close their capital campaign.
- The STOR Committee was a good group. He was on a subcommittee for the trail from CB South to Mt. Crested Butte.
- Attended Mountain Theatre open house.

Jackson Petito

- He would attend the Gunnison Valley Housing Foundation meeting on Wednesday afternoon. They would talk about projects in Gunnison, as well as duplexes in Town and Block 76.

Jim Schmidt

- Attended The Center for the Arts celebration and the Mountain Theatre open house.
- At the Gunnison Valley Housing Authority meeting, they discussed the subcommittee that came from the OVPP conversation. The group felt that anyone who wanted to become involved in housing would be welcomed.
- They needed to have a definite pipeline of opportunities for the Housing Authority. He thought they should include the land at Brush Creek as a part of it.
- Attended Mayor/Managers meeting in Pitkin.
- The Upper Gunnison reported Blue Mesa was down 45 feet, but they didn't expect a major call on the reservoir.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

- Schmidt said they needed to set up a review of the Town Manager.
- He agreed with Dujardin on the meeting and the concerts. Work sessions would be starting at 6PM and meetings at 7PM.
- Dujardin and Petito were appointed to review parking proposals.
- The Council decided to defer assigning a member to attend the ICElab dinner on October 18<sup>th</sup>.

#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- *Tuesday, August 7, 2018 - 6:00PM Work Session - 7:00PM Regular Council*

- Monday, August 20, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Tuesday, September 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council

**EXECUTIVE SESSION**

Schmidt read the reason for the Executive Session: to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) at Long Lake.

Noel Durant, Executive Director of the Land Trust, was present for the first Executive Session.

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

Schmidt read the reason for the second 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 Affordable Housing Projects.

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

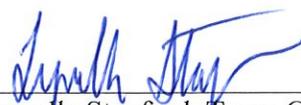
The Council went into the first Executive Session at 11:36PM. The Council returned to open meeting at 11:59PM. Mayor Schmidt made the required announcement upon returning to open meeting.

The Council went into the second Executive Session at 11:59PM. The Council returned to open meeting at 12:17AM. Mayor Schmidt made the required announcement upon returning to open meeting.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 12:18AM.

  
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 James A. Schmidt, Mayor

  
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 Lynelle Stanford, Town Clerk (SEAL)

