

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Tuesday, August 7, 2018
Council Chambers, Crested Butte Town Hall

Mayor Schmidt called the meeting to order at 7:00PM.

Council Members Present: Will Dujardin, Chris Haver, Jackson Petito, Laura Mitchell, and Paul Merck

Kent Cowherd arrived during the discussion on The Corner at Brush Creek Housing Project under Old Business.

Staff Present: Town Manager Dara MacDonald, Town Attorney Barbara Green, Public Works Director Rodney Due, and Community Development Director Michael Yerman

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

APPROVAL OF AGENDA

Merck moved and Dujardin seconded a motion to pass the agenda. A roll call vote was taken with all voting, "Yes," except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

CONSENT AGENDA

- 1) July 16, 2018 Regular Town Council Meeting Minutes.
- 2) Resolution No. 10, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Board of Zoning and Architectural Review to Act as a Reviewing Entity for the State Income Tax Credit Program for Qualifying Rehabilitation Projects C.R.S. §39-22-514.5, as Amended.
- 3) Resolution No. 11 Series 2018 - A Resolution 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) Approval of Policy Agenda for Colorado Communities for Climate Action.
- 5) Appointment of Assistant Chief Marshal Joseph Dukeman as the Town's Secondary Representative to the E-911 and Communications Boards.

Merck moved and Mitchell seconded a motion to approve the Consent Agenda as submitted. A roll call vote was taken with all voting, "Yes," except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

PUBLIC COMMENT

Mary Larson - 728 Belleview

- Read a letter on behalf of her neighbor, Jamie Booth, regarding the sidewalk. Booth opposed the sidewalk because she didn't believe it was a safe route to school. She asked the Council to consider safer routes to school.
- Larson lived in the same affected unit as Booth, and she agreed with everything Booth wrote.
- Larson questioned if there were studies done.

Candace Coen - 712 Belleview

- She didn't think that Belleview was the best alternative (for the sidewalk).
- The engineering for the grade change had not been conducted.
- There had been no long-term feasibility analysis.

Shannon Morgan - 730 Belleview

- Owned a four-plex unit that he didn't rent out. He described rentals in the other units.
- He stated they had a parking problem.
- He recalled history regarding their parking situation.
- They would lose eight feet of parking.
- He asked for a better study to ensure it was the best approach.

Shannon Renick - 706 Belleview

- She thought it was unsafe to cross the number of driveways.
- She wondered how they could make a decision without tests and studies done.
- She was concerned for kids' safety.

Sally Hensley - Elementary School Principal

- The safe route was established quite some time ago, and they were trying to follow what had been established.
- There was a traffic study done based on their facilities master-planning project.
- The traffic engineer informed that the Red Lady/7th Street intersection failed when pedestrians were present. They were compelled to keep kids out of the intersection.

Schmidt explained background regarding the roundabout. There was concern it would be pedestrian unfriendly. MacDonald acknowledged there was no great solution; the sidewalk on Belleview was the best of bad options. She described traffic, flow around the school, and the reasoning behind the decision.

Susan Eskew

- Her kids grew up at 7th and Belleview, and she pushed for pedestrian access on Belleview and 8th Street.
- She thought pedestrian safety was first and foremost.
- She stated the sidewalk was a good idea.

Shannon Renick

- Asked about a pedestrian bridge at the intersection.
- Yerman acknowledged the Town would need to pay for a pedestrian bridge, and he listed issues.

Mary Larson

- She voiced concern around the size of the sidewalk.

Candace Coen

- Asked for objective criteria from MacDonald that ranked Belleview at the top of the list. MacDonald reviewed considerations that had been made. Reily recognized that Belleview was the shortest walk through customary paths.

STAFF UPDATES

- Schmidt referred to questions posed in MacDonald's report in the packet.
- He brought forth the discussion on adopting the Idaho Stop, and he explained it. The Council decided to move forward.
- Schmidt told the Council that 3.2% beer, currently allowed in the parks, would be gone starting in 2019. Schmidt described possible processes for allowing alcoholic beverages in the parks. MacDonald asked for direction on ordinance or resolution and types of alcohol that would be allowed. Schmidt wanted to allow beer, wine, and liquor in parks. Petito concurred. Reily's main concerns were flying bottles. Schmidt confirmed hard liquor in soft packaging was acceptable.
- Petito thanked Due. The Council agreed with Petito's comments.
- Petito asked concerning the possible delay with the Town Park playground.
- Dujardin questioned Due on the flume and flow meters in Irwin.

PUBLIC HEARING

1) Application for a Retail Marijuana Dispensary License Located at 309 Belleview Ave, Unit 1A by Sun House CB LLC DBA Sun House.

Steve Morris was present representing Sun House CB LLC. He reported to live at 501 Horseshoe Drive in Mt. Crested Butte. Schmidt confirmed the location was formerly Acme Dispensary. Petito questioned the hours they would be open.

Schmidt confirmed proper public notice had been given. There was no one present from the public who wanted to comment, and the public hearing was closed. There was no further Council discussion.

Mitchell moved and Merck seconded a motion to approve the application for a Retail Marijuana Dispensary License for Sun House CB LLC DBA Sun House. A roll call vote was taken with all voting, "Yes," except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

2) 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.

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

Merck moved and Dujardin seconded a motion to adopt Ordinance No. 20, Series 2018. A roll call vote was taken with all voting, "Yes," except for Cowherd, who had not yet arrived. **Motion passed unanimously.**

OLD BUSINESS

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

MacDonald reported on the most recent action regarding the Brush Creek housing project. She detailed the timeline of the latest meetings and communication from the Town. Staff drafted suggested conditions the Town would impose. The subcommittee regrouped to discuss issues that had been discussed with the public. She explained that County Staff confirmed they received the memo. However, the memo had not been provided to the County Commissioners, and they didn't go through the substance or rationale of the conditions suggested by the Town. There wasn't substantive discussion about the proposed number of 180 units or the substance of the impacts and compatibility. MacDonald described what occurred today and highlights relevant to Town.

Cowherd attended the meeting tonight in Mt. Crested Butte, and he reviewed issues and conditions identified with the project that he communicated. Dujardin suggested that they read the conditions of approval that were drafted by County Staff. He wanted to discuss more regarding the number of units suggested by the Town.

David Owen - 903 Elk Avenue

- He asked if anyone had talked about a joint meeting with Mt. Crested Butte. MacDonald said they would further engage the conversation. She asked the partners in the MOA to meet, and they would continue to work towards a meeting.

Schmidt had no problem with the number of 112 (units). His concern was that affordable units would be kept that way. MacDonald affirmed that same opinion was shared among

the County Commissioners today. Dujardin questioned if they needed to revisit the Three Mile Plan. Cowherd handed John O'Neal, from Gatesco, a memo that was referenced during the discussion.

NEW BUSINESS

1) Resolution No. 12, Series 2018 - A Resolution of the Crested Butte Town Council Authorizing the Expenditure of up to \$1,000,000.00 from the Town's Open Space Fund for the Purchase and Conservation of Approximately 613 Acres Adjacent to Fossil Ridge to Facilitate the Preservation of Long Lake.

Noel Durant, Executive Director, presented on behalf of the Crested Butte Land Trust. He reviewed the Land Trust's mission, and he described the land exchange. He provided details on the Long Lake property, Copley Lake, and Fossil Ridge. Durant listed conservation values, including scenic views and wildlife habitat. He explained how the Land Trust proposed to manage the lake and the land. Durant told the Council the land exchange would benefit affordable housing.

Mitchell questioned handicapped access to Long Lake and if there was the opportunity to acquire the lot at the top of the trail. Yerman explained how the funding would need to be included in the 2019 budget and that there were adequate reserves in the Open Space Fund. Sue Navy voiced her whole-hearted support. Schmidt stated it was a fulfilling project for preserving open space and supporting affordable housing.

Dujardin moved and Merck seconded a motion to pass Resolution No. 12, Series 2018 authorizing \$1,000,000.00 from the Town's Open Space Fund for the purchase and conservation of approximately 613 acres adjacent to Fossil Ridge to facilitate the preservation of Long Lake and directing Town Staff to prepare a funding agreement to be executed with the Land Trust prior to the closing of the Federal Land Exchange. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

PROCLAMATION HONORING BUTCH AND JUDY CLARK

Schmidt read the proclamation honoring Butch and Judy Clark. He presented the proclamation to Butch Clark. Clark added comments, recognizing that Long Lake was such a special place. He acknowledged cooperation with other entities, including the Forest Service and Land Trust, and he expressed his appreciation.

NEW BUSINESS CON'T

2) Quarter 2 Financial Update.

Zillioux stated Town was doing well related to the budget. Revenues were generally ahead of plan and last year, and expenses were below plan. He reviewed highlights regarding the General Fund, the Water and Wastewater Fund, the General Capital Fund,

Street and Alley Fund, and Affordable Housing Fund. Cowherd wondered if Zillioux had concerns. Zillioux identified that Town had been experiencing a euphoric bubble.

3) Award of Professional Services Agreement with Interstate Parking Company to Prepare the Town's Parking Management Plan and Potential Implementation of Identified Parking Strategies.

Yerman updated the Council that there were three proposals submitted, and there were two groups interviewed, Interstate Parking and Republic Parking. Yerman wanted the selected group to begin data collection to help develop a management strategy. The goal was to have a parking management plan in time for the budget. The recommendation was to go with Interstate Parking.

Schmidt was unconvinced that paid parking would solve anything. He hoped the study would convince him one way or another. Yerman said people were most influenced by economics. Dujardin agreed they needed to do something to affect people's behavior. Petito pointed out wording in the agreement that he did not like. Merck agreed with Dujardin. Haver asked about Mt. Crested Butte. Petito wanted to hear feedback from the public.

Merck moved and Dujardin seconded a motion to approve authorizing the execution of a professional services contract with Interstate Parking Company LLC of Colorado to prepare the PHASE 1- Comprehensive Parking Management Plan Addendum for a fixed-fee of \$12,826.72 with the contingency of developing a PHASE-2 Parking Implementation Program. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

4) Discussion on Development Strategies for the Paradise Park 2019-2020 Affordable Housing Build.

Yerman wanted to update on the results of the housing survey. Secondly, it sounded like they would prepare an amendment to the Verzuh annexation agreement that would be brought forward to the Council. They were trying to minimize the impacts to neighbors.

Yerman then broke down results and reviewed numerical details of the housing survey. Takeaways were that locals needed housing, and only 38 of the respondents would qualify for conventional loans. Yerman focused his presentation on AMIs. He suggested they look at bedroom count in their consideration of density. Yerman reported that he learned that rentals were important, as well as home ownership opportunities.

5) Selection of Three Developers to Proceed with the Design Request for Proposals for the Development of Affordable Housing in Paradise Park Blocks 76, 79, and 80 in 2019.

Yerman explained the process for the development. They started by putting out RFQs for the development of Block 76 and 3 additional triplexes in Block 79 and 80. The RFQ

required developers to demonstrate their financial ability to perform and construct the project, breaking ground in 2019. The selection committee recommended three of the four developers. Next, the RFP would be released to the selected developers. Yerman listed the four respondents and three developers recommended by the committee.

Dujardin moved and Merck seconded a motion to select Bywater LLC, Coburn, and The Morrison Group to respond to the Paradise Park Block 76 RFP. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Green informed the Council there were two cases that were ongoing, one had to do with The Heights open space. Judge Patrick denied the owners' motion for summary judgment. Next, at the end of August, there would be a case management meeting with the judge. The other case was the ADU case that was in the Colorado Court of Appeals, on which CIRSA provided lead counsel.

Green reviewed proposed Initiative #108. The constitutional amendment changed takings law. The point of zoning was to protect everybody's property values, and it would be turned on its head. The consequences would chill any regulatory body before they passed a regulation that imposed limitations in any way. There was no exclusion that would allow governments to pass legislation that would be better for all.

COUNCIL REPORTS AND COMMITTEE UPDATES

Will Dujardin

- He attended an Upper Gunnison River Water Conservancy District meeting. The flows in the Taylor were lowered and would be lowered again. There was a call placed on the Slate River.
- Attended Mountain Express meeting. He reported on ridership of various routes. They were considering a long-term hiring strategy. Mitchell elaborated that they were looking at moving out of Town and on problems within the Mountaineer Square bus loop.

Laura Mitchell

- Hosted Scenic Byways meeting. They discussed the route and were seeking Wild and Scenic designation for the Crystal River.

Paul Merck

- Would attend a STOR meeting this week.
- People were asking the reason there were fewer food vendors at the Arts Festival.

Kent Cowherd

- He would attend a housing workshop in Montrose.
- The Creative District had an Art in Public Places subcommittee meeting. They recognized an opportunity for art in public restrooms.

- Attended a meeting with Russ Forrest, Manager of the City of Gunnison.

Chris Haver

- He further explained that Forrest also discussed background on the OVPP.
- He would attend the housing conference on Thursday.
- The Chamber was in an excellent financial shape. There were thoughts of expanding the Bike Week events. The Chili and Beer Festival would be coming up in September.

Jackson Petito

- The Housing Foundation was eager to start using the Long Lake money. They needed to narrow the priorities of the Foundation.

Jim Schmidt

- Met with representatives from CBMR. Vail was meeting with employees for the transition.
- Went to Brush Creek meeting.
- There would be a housing meeting tomorrow.
- August 1st was the Trampe Ranch celebration.
- Went to a mayor/mangers meeting in Gunnison. There was a presentation by the Library District. Blue Mesa would be down to 90 feet below the maximum capacity.
- Met with Sam Mamet, the head of CML.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

- Schmidt reminded the Council of an email from Zillioux regarding the Manager's review.
- Schmidt asked the Council if they wanted to change anything with the sidewalk on Belleview. MacDonald mentioned the planned timeline for completion. Mitchell had concerns about the sidewalk because there were a lot of people living on that side of Belleview. There was discussion on the width of the sidewalk. Schmidt thought that if it was an experiment for a year, it was worth trying. Dujardin appreciated the concerns of the residents, but the big picture was the kids' safety. He wanted to press that they felt the comments and concerns, but he didn't see how they could go with a better solution. He thought they needed to support Staff and the school. Merck recognized this route would result in the fewest crossings. He agreed with Dujardin's comments. Due and Reily explained the reasoning behind the decision to use Belleview. Due, responding to Coen, reported on snow removal. The Council decided not to change the present plan with the sidewalk.
- No one from the Council volunteered to serve on the CML policy committee. MacDonald said she would serve on behalf of the Town.
- Merck volunteered to attend the Pique Interests event.
- Petito requested an improved projector.

- Green pointed out the attorneys' contract would expire in September. The review would be coming up. She offered to provide invoices or any other information.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

- Monday, August 20, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, September 4, 2018 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, September 17, 2018 - 6:00PM Work Session - 7:00PM Regular Council

The Council discussed scheduling a budget retreat on August 16th or 27th. There was also a discussion on reviewing the Town Attorneys. The Council decided to defer until after August. Stanford would initiate a Doodle poll to schedule the budget retreat.

Merck mentioned he would be calling in for the meeting on the 20th.

EXECUTIVE SESSION

Schmidt read the reason for the 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 Cypress Equities LLC.

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

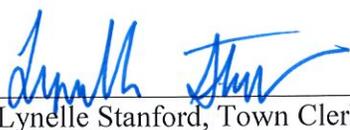
The Council went into Executive Session at 10:46PM. The Council returned to open meeting at 11:49PM. Mayor Schmidt made the required announcement upon returning to open meeting.

ADJOURNMENT

Mayor Schmidt adjourned the meeting at 11:51PM.



James A. Schmidt, Mayor



Lynelle Stanford, Town Clerk (SEAL)

