

MINUTES
Town of Crested Butte
Regular Town Council Meeting
Monday, October 2, 2017
Council Chambers, Crested Butte Town Hall

Mayor Michel called the meeting to order at 7:02 PM.

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

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Community Development Director Michael Yerman

Deputy Clerk Betty Warren (for part of the meeting)

APPROVAL OF THE AGENDA

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

EXECUTIVE SESSIONS

Michel read the reason for the Executive Session:

1) For a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) regarding a pending land use application.

Merck moved and Schmidt seconded a motion to go into Executive Session for the above stated reason. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

The Council went into Executive Session at 7:04 PM. The Council returned to open meeting at 8:00 PM. Mayor Michel made the required announcement before returning to open meeting.

Michel read the reason for the Executive Session:

2) 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 sale of the Brush Creek Parcel.

Schmidt moved and Merck 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 8:02 PM. The Council returned to open meeting at 8:27 PM. Mayor Michel made the required announcement before returning to open meeting.

Mayor Michel opened the meeting to Council discussion regarding comments they wanted to make from the Brush Creek Parcel Executive Session.

Sullivan said that Council had asked for his input on the issue before any contract was sent. He said that Council had comments to make.

Ladoulis said he was disappointed that the County was pushing this so quickly, particularly because they had denied the opportunity for the public to speak this Thursday night. He expressed the reservations of the Council to enter into a sales agreement and convey title before the County LUR process had begun. He stated that Council agreed on the desire to renew objections with the County to proceed with a sales agreement that would result in conveyance of title for this parcel before the County LUR process had begun. He was concerned that Council did not have full understanding of costs and benefits of what the proposed project might entail. A sales agreement would bring with it a likely sales price and Council did not have an agreement or understanding of the parties for an appraisal before a sales agreement could be signed.

He was not sure of the value that would be conveyed to the proponent or what the project cost and value would entail. He stated that it would be shortsighted and not fulfill obligations to their constituents to jump into a sales agreement before knowing the costs and benefits.

Affordable housing was supposed to be the end product of the project. All agreed that engaging the public was important and was the reason for the meeting on Thursday. There was a deadline for the County on October 3, 2017 related to comments that might find their way into a contract sales agreement. That, hypothetically, could mean that agreement could be signed and executed by the County before the public had the opportunity to speak prior to the meeting on Thursday night.

When the original MOA was struck, the agreement was to provide affordable housing and parking. This particular project involved a broader use. Due to that issue, it would be advisable for the parties to sit down and discuss what the true intent and purpose were for the parcel. He stated that Council would like to formally direct staff to insist upon a meeting with partners in the MOA (CBMR, Town of Mt. Crested Butte, and Gunnison County) to discuss a possible amendment to the MOA before any sales agreement would be signed.

Schmidt agreed that it was important to slow down and get the appraisal. He said there should not be transfer until the County LUR approval went through. He stated that transparency was a big concern, and he was uncomfortable signing without the opportunity for the public to comment. Council should direct staff to hire Melanie Rees to do the appraisal and establish if it satisfied the needs assessment.

Michel said there were specific recommendations that the author of the Gunnison County housing needs assessment outlined. If the project went forward, it was important for those recommendations and concerns to be addressed.

Petito reiterated that Council was uncomfortable with the transfer of title before the County LUR process had begun. Mitchell agreed with the requirement for the LUR before the contract could be signed and also stated that she had no interest in providing water and sewer considering the density of the project. Mason and Merck were also in agreement.

Michel directed staff to provide comments on impacts of the project to the Town of Crested Butte. He said that time was of the essence to get the comments submitted. If the plans made it to the next phase, Council may need to hire a consultant to analyze the impacts on the Town of Crested Butte and to constituents.

CONSENT AGENDA

- 1) September 18, 2017 Regular Town Council Meeting Minutes.
- 2) Resolution No. 59, Series 2017 - Resolution of the Crested Butte Town Council Approving the Contract for Use of the Big Mine Ice Arena by Gunnison Valley Hockey Association for the 2017/2018 Winter Season.
- 3) Letter of Support for Gunsight Bridge for the Land Trust's Application for a State Trails Grant.

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

PUBLIC COMMENT

Robert McCarter - 1251 Skyland Drive

- Said he was a board member for the Center for the Arts.
- Thanked the Council for their discussion on this issue.
- Stated that he was not a voter in Crested Butte but loved the town. He reminded the Council of the meeting at Mt. Crested Butte tomorrow night related to the Brush Creek issue. He asked the Council to do whatever they could to share their sentiments and see if Mt. Crested Butte could hit the pause button and not convey this property.
- He hoped the Town of Crested Butte would work with Mt. Crested Butte to hit pause button.

Zach Vaughter - Director of Coal Creek Watershed Coalition

- Reported that the Gunsight Processing Area Reclamation Project was 2 weeks into construction, going well, and ahead of schedule.

- They had been doing grading work and built the French drain for waste consolidation.
- The subcontractor, Symbeck, would be in Crested Butte in the next couple of days to go to the site and help install liners.
- It was originally set as an 8 week project; however, it should only take between 5 and 6 weeks to complete. Weather could be a deciding factor on the timeline.
- He would come back and give an update when the project was done.

STAFF UPDATES

Michael Yerman:

- There would be a meeting open to the public on Thursday for a presentation by Interstate Parking.
- Meeting for Brush Creek on Thursday, October 5, 2017, at 6:00 PM, at the Center for the Arts.

Dara MacDonald:

- She would be out of town Wednesday – Friday for the American Planning Association conference in Telluride. She said she would be back on Thursday for the meeting.
- Her meeting in Glenwood was very good, and she had notes for other's review.
- Met with new regional manager for DOLA who was just coming on board. They met with Janna Hansen and Rodney Due to discuss several upcoming projects and fundraising possibilities.
- Spoke with Jenny Birnie about the Center for the Arts phase 2.
- Update on paving: The alley would not be paved but there was some concrete work being done. Fire house lot had not been paved; however, it would be paved next week.
- Reported that Bill Oliver, Board member and President of Silent Tracks, would like to present to Council at a future meeting. Brian Lieberman from Western State Colorado University would also like to present on data collection for the Slate River drainage. Discussion was continued under Other Business.
- The Chamber would like to do a recap on summer projects. Discussion was continued under Other Business.
- Schmidt inquired about how Vinotok went. MacDonald said that from the Marshals' perspective, it went smoothly. There would be a debrief meeting scheduled soon. She said that little things came up each year, but that both the Marshals and staff were satisfied with the event and aftermath.

PUBLIC HEARING

1) Ordinance No. 24, Series 2017 - An Ordinance of the Crested Butte Town Council Amending Chapter 6-2 of the Crested Butte Municipal Code Providing for a Temporary Reduction to Certain Portions of the Business and Occupation Licensing Tax for Fiscal and Calendar Year of 2018; and Providing the Automatic Repeal Thereof Effective on the First Day of January, 2019.

MacDonald referred to key points in her staff report.

Mayor Michel confirmed proper public notice had been given. He opened the meeting to public comment, and there was no one present to comment. The public hearing was closed, and it was opened to Council discussion. There was no further discussion.

Merck moved and Schmidt seconded a motion to approve Ordinance No. 24, Series 2017. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

2) Ordinance No. 25, Series 2017 - An Ordinance of the Crested Butte Town Council Amending the Design Guidelines of the Town of Crested Butte for Front Yard Accessory Dwellings in Certain Circumstances in Residential Zones.

Mayor Michel confirmed proper public notice had been given. He opened the meeting to public comment, and there was no one present to comment. The public hearing was closed, and it was opened to Council discussion.

Ordinance No. 25, Series 2017 was amended to include (1) Striking the word "new" on the third Whereas section to read, "the Board of Zoning and Architectural Review reviewed guidelines..." and, (2) Section 1, Subsection 2.29.5, item d, add the word, "be" after "and" to read, "The proposed building must contain a dwelling unit and be classified as an accessory dwelling".

Petito moved and Merck seconded a motion to approve Ordinance No. 25, Series 2017 as amended. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

3) Ordinance No. 26, Series 2017 - An Ordinance of the Crested Butte Town Council Authorizing the Lease of Various Town Residential Properties (Units 2 and 3, Town Ranch Apartments, 808 9th Street, Crested Butte Colorado) to Various Town Employees.

Mayor Michel confirmed proper public notice had been given. He opened the meeting to public comment, and there was no one present to comment. The public hearing was closed, and it was opened to Council discussion. There was no further discussion.

Schmidt moved and Mitchell seconded a motion to approve Ordinance No. 26, Series 2017. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

NEW BUSINESS

1) Resolution No. 60, Series 2017 - Resolution of the Crested Butte Town Council Relating to Indigenous Peoples' Day; Declaring the Second Monday in October as Indigenous Peoples' Day in the Town of Crested Butte; Encouraging Other Institutions to Recognize the Day; and Reaffirming the Town's Commitment to

Promote the Well-Being and Recognition of Colorado's American Indian and Indigenous Community.

Petito thanked Jeremy Rubingh for bringing up the issue regarding recognition of Indigenous Peoples' Day. He said the level of public engagement was important and needed recognition. Michel stated that it was long past due to recognize the contribution of Indigenous people.

Rubingh thanked the Council and community for addressing the issue of Indigenous Peoples' Day. He said that Columbus Day would still be supported, but that among numerous communities already in support of Indigenous Peoples' day, to include Denver, Boulder, Gunnison and Durango, he asked Council to consider support of Resolution No. 60, Series 2017. He spoke about its value to the community.

Kirsten Atkins asked about the educational aspect, and said it was important not just as an historical piece but also an educational piece. Ladoulis said that the spirit of Sections 3 and 4 was to encourage education in lieu of instructing another body what to incorporate in their curriculum. Michel added that the school was funded by the state, and it would be inappropriate to recommend to the school what should be on their curriculum. There was a difference between encouraging people to become educated and telling teachers and school officials how to teach their classes.

Ladoulis suggested changing the verbiage to "The Town of Crested Butte encourages its citizens, businesses, organizations and other institutions to recognize and become educated about Indigenous Peoples' Day".

The Council suggested edits to the resolution as follows:

1. The resolution title stated the Town was "reaffirming" its commitment to promote the well-being and recognition of Colorado's American Indian and Indigenous community. Staff was unaware of previous assertions of this commitment and suggested that this word be removed and replaced with "affirming".
2. The fourth Whereas clause stated that it was the responsibility of the municipality to oppose the systematic racism towards Indigenous people in the United States. Staff suggested changing this to state that the Town "opposes" the systematic racism towards Indigenous people in the United States.
3. Council agreed to strike Section 2, as there was not a policy to participate in Indigenous Peoples' Day celebrations and activities.
4. Section 3 was reworded following the discussion above to state, "The Town of Crested Butte encourages its citizens, businesses, organizations and other institutions to recognize and become educated about Indigenous Peoples' Day".
5. Section 5 stated the Town "firmly commits to continue its efforts to promote the well-being and recognition of Colorado's American Indian and Indigenous community." Staff was unaware of these efforts and suggested rewording this to "supporting" efforts to promote the well-being and recognition of Colorado's American Indian and Indigenous community.

Petito moved and Merck seconded a motion to approve Resolution No.60, Series 2017 as amended. A roll call vote was taken with all voting, "Yes". **Motion passed unanimously.**

2) Update and Presentation by Delany Keating on the ICELab at Western.

Delany Keating was not in attendance and did not present on the ICELab at Western State Colorado University.

3) Ordinance No. 27, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to the Crested Butte Fire Protection District.

Schmidt moved and Merck seconded a motion to set Ordinance No. 27, Series 2017 to public hearing at the October 16th Council meeting. **Motion passed.**

4) Ordinance No. 28, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to the Crested Butte Land Trust.

Petito moved and Ladoulis seconded a motion to set Ordinance No. 28, Series 2017 to public hearing at the October 16th Council meeting. **Motion passed.**

5) Ordinance No. 29, Series 2017- An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to Windsor Refrigeration.

Schmidt moved and Petito seconded a motion to set Ordinance No. 29, Series 2017 to public hearing at the October 16th Council meeting. **Motion passed.**

6) Ordinance No. 30, Series 2017 - An Ordinance of the Crested Butte Town Council Approving the Lease of the Portion of the Property at 308 Third Street to Leslie Locklear.

Schmidt moved and Petito seconded a motion to set Ordinance No. 30, Series 2017 to public hearing at the October 16th Council meeting. **Motion passed.**

LEGAL MATTERS

None.

COUNCIL REPORTS UPDATES AND COMMITTEE UPDATES

Paul Merck:

- Reported that the Emma Coburn Elk Avenue 5K race was well attended with 500 participants. Organizers raised a lot of money for Living Journeys. He worked with security for the event and hoped that it would happen again next year.
- Reported on the Standard Mine tour.
- He attended the Jokerville Mine Rededication Ceremony that Schmidt officiated.

Laura Mitchell:

- Reported that she had missed the Chamber meeting but had information on the minutes. She said the Beer and Chili event went well and that they were doing fine financially. She also stated that the Chamber would be getting ready for the Light up Night event. They would update the Council in February.
- Updated the Council on the Visitor's Center, and reported that there were 3 new cameras, 2 of which would be connected to wifi in the foyer.

Roland Mason:

- Reported that the Film Festival was also well attended.
- He attended Lee Ervin's funeral on September 30, 2017. He spoke about Mr. Ervin and that he had owned the Chronicle Pilot. He was well known to many in the community. His memorial brought a large group of approximately 100 people.
- Reported that the next RTA meeting would be in 3 weeks.

Jackson Petito:

- Said he had attended the Jokerville Mine Rededication Ceremony. He stated that the speech by Kay Flint was very impactful and brought him to tears. He thanked Schmidt and Warren for their work on the project. He said it made him proud of us as a Town and municipal organization and said the Ceremony was beautiful.

Chris Ladoulis:

- Shared that he had also attended the Rededication Ceremony and was choked up by the stories and speeches. He said that it was educational, respectful and a very nice send off to the miners.

Jim Schmidt:

- Thanked everyone on Council who came to the Jokerville Rededication Ceremony. He spoke about Kay Flint and members of the Gibson family (Gibson Ridge) and their connection to the Jokerville Mine. Thanked Warren and staff members who worked on the project.
- Attended Lee Ervin's service and spoke about Mr. Ervin's contributions to the Town.
- Updated Council and said they were all copied on the alternative plan for the Brush Creek proposal. Jennifer at the Housing Authority would amend plan and get it before the Council.

OTHER BUSINESS TO COME BEFORE THE COUNCIL

MacDonald continued the discussion regarding parking. She opened the discussion to Yerman who reported that the Parking Committee would meet this Thursday, October 5, 2017 at 8:00 AM. He said the Committee was looking for Council reactions and thoughts related to the work session last week. The Committee would give a presentation to Council, and they were moving in the direction of a comprehensive parking plan.

Michel said that community members heard the meeting was about parking meters. He said this meeting was about managing the visitor base coming into the community. It encompassed parking, traffic, and back country management. They were looking for solutions to alter people's behavior. One solution could be parking meters in the downtown core area with permit parking in residential areas. There was a need to get ahead of the impacts.

Ladoulis asked if Council wanted to put meters on Elk Avenue or if would they enforce two hour parking. He said no one parking solution works in isolation. Addressing the main commercial corridor, how to mitigate impacts, and how traffic would move and park on adjacent streets would all be included in the discussion. This would include permit parking, residential zones, time-based cost to park on Elk, design of mass transit and getting people to park in adjacent lots. Petit clarified that this was about kiosks vs parking meters.

Mason reminded Council to be aware that Elk Avenue was closed 45 days per year. Schmidt stated that he was more ambivalent about the plan, but he could see the positives. He stressed getting people on busses and use of the school lot.

Michel thanked the Parking Committee.

2. MacDonald asked if the Council wanted to weigh in on how the meeting on Thursday would be organized. She said there would be a live broadcast on KBUT. The format for the meeting currently was to welcome people, staff would provide an overview of the project, open the discussion to the public for comment, describe discussion on flip charts, and transcribe for review.

Ladoulis asked if the County and CBMR had been included. MacDonald said they were aware of the meeting. Michel said this was not a formal Town Council meeting. He stated that it should be educational, civil, and that they were looking for reasoned arguments from the community.

DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE

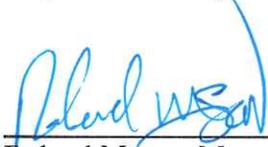
- Thursday, October 5, 2017 - 6:00PM Work Session on Brush Creek Parcel at the Center for the Arts

- Monday, October 16, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 6, 2017 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, November 20, 2017 - 6:00PM Work Session - 7:00PM Regular Council

There was a brief discussion on upcoming presentations to Council.

ADJOURNMENT

Mayor Michel adjourned the meeting at 9:49 PM.



Roland Mason, Mayor Pro Tem



Betty Warren, Deputy Town Clerk (SEAL)

